

He also, from the same committee, to which was referred the bill of the House (H. R. 14358) for the relief of Pay Clerk Charles Blake, United States Navy, reported the same without amendment, accompanied by a report (No. 2608); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 1672) for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin, reported the same without amendment, accompanied by a report (No. 2609); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13608) granting an increase of pension to Elvira M. Cooper, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. MAHON: A bill (H. R. 15200) to provide relief for personal injuries sustained by the destruction of the United States battle ship Maine—to the Committee on War Claims.

By Mr. CURTIS: A bill (H. R. 15201) to allot the lands of the Cherokee tribe of Indians in Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. ESCH: A bill (H. R. 15202) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900—to the Committee on Insular Affairs.

By Mr. PUGSLEY (by request): A bill (H. R. 15203) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS (by request): A bill (H. R. 15204) for the extension of Maryland avenue east of Fifteenth street to M street northeast—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GRAFF: A bill (H. R. 15205) granting a pension to Henry G. McKinley—to the Committee on Pensions.

By Mr. HENDERSON: A bill (H. R. 15206) granting a pension to Mary P. Everton—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 15207) to permit W. W. Wheeler to prosecute a claim—to the Committee on Claims.

By Mr. McCULLOCH: A bill (H. R. 15208) for the relief of James H. Rodgers—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 15209) for the relief of George W. Wood—to the Committee on Naval Affairs.

By Mr. RANDELL of Texas: A bill (H. R. 15210) for the relief of Gertrude O'Bannon—to the Committee on War Claims.

By Mr. SOUTHARD: A bill (H. R. 15211) granting a pension to Mary J. Slusser—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Trades League of Philadelphia, Pa., favoring a bill to increase the efficiency of the foreign service, etc.—to the Committee on Foreign Affairs.

By Mr. BABCOCK: Petition of druggists of Platteville, Wis., for the passage of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. BINGHAM: Resolution of the Trades' League of Philadelphia in favor of bill for the reorganization of the consular service, etc.—to the Committee on Foreign Affairs.

By Mr. BUTLER of Pennsylvania (by request): Petition of 7 druggists of Phoenixville, Pa., for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of Theodore J. Frank and 5 other druggists of Allegheny, Pa., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of the Trades' League of Philadelphia, Pa., favoring a bill to increase the efficiency of the foreign service of the United States, and to provide for the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. HANBURY: Papers to accompany House bill 14721, to correct the military record of Michael Keegan—to the Committee on Military Affairs.

By Mr. HEMENWAY: Petition of W. H. Fogas, of Evansville, Ind., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LOVERING: Resolutions of the selectmen of the towns of Middleboro and Plymouth, Mass., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MAYNARD: Papers to accompany House bill for the relief of George W. Wood—to the Committee on Naval Affairs.

By Mr. McCLELLAN: Petition of citizens of the Twelfth Congressional district of New York in favor of House bill No. 12203—to the Committee on Invalid Pensions.

By Mr. PUGSLEY (by request): Petition and papers to accompany House bill 15203, relating to an isthmian canal connecting the waters of the Atlantic and Pacific oceans—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL W. SMITH: Petition of W. A. Hayes and other citizens of Rochester, Mich., in behalf of Prof. Theodore Munger, who claims to have discovered some new scientific facts regarding the earth—to the Committee on Patents.

By Mr. SHALLENBERGER: Petition of William J. Murphy and 125 other inmates of the Soldiers and Sailors' Home at Grand Island, Nebr., favoring a pension of \$30 per month to all veterans over 30 years of age—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 21, 1902.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

The SPEAKER. The Chair announces as Speaker pro tempore for this day, Mr. CURRIER.

E. G. JOHNSON.

Mr. HILDEBRANT. Mr. Speaker, by direction of the Committee on Accounts, I call up House resolution 288, and I ask that the substitute reported by the committee be read.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized to pay to E. G. Johnson out of the contingent fund of the House the sum of \$200 for services in caring for and regulating the House chronometer during the Fifty-sixth and Fifty-seventh Congresses.

The substitute resolution was agreed to.

ADDITIONAL CLERK FOR COMMITTEE ON ACCOUNTS.

Mr. HILDEBRANT. I also call up, Mr. Speaker, House resolution 307.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund of the House, under the direction of the chairman of the Committee on Accounts, the sum of \$250, for additional clerical services rendered said committee in the discharge of the duties imposed by the legislative, executive, and judicial appropriation act approved March 3, 1902, with respect to the employment, compensation, and duties of employees of the House of Representatives.

The resolution was agreed to.

STENOGRAPHER IN THE OFFICE OF THE JOURNAL CLERK OF THE HOUSE.

Mr. HILDEBRANT. I also, by direction of the committee, Mr. Speaker, call up House resolution 310.

The Clerk read as follows:

Resolved, That the employment of a stenographer in the office of the Journal clerk of the House is hereby authorized for the remainder of the first session of the Fifty-seventh Congress, the compensation of said stenographer to be paid out of the contingent fund of the House at the rate of \$100 a month.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I understand it to be true that these three resolutions have been unanimously reported from the Committee on Accounts.

Mr. BARTLETT. If the gentleman from Ohio will permit me, I will say that the three resolutions just read were agreed to by the Committee on Accounts and that the minority of the committee was fully represented, and the resolutions were unanimously reported.

The resolution was agreed to.

On motion of Mr. HILDEBRANT, a motion to reconsider the votes whereby the three resolutions were agreed to was laid on the table.

CONFERENCE REPORT ON SUNDRY CIVIL BILL.

Mr. CANNON. Mr. Speaker, I desire to take up the sundry civil conference report and dispose of it. I suppose on one item at least, from what I understood yesterday in the debate on the floor, that the House will be asked to act on the question of a memorial bridge. There is evidently not a quorum present now, and I would be glad to give notice that at half past 12 o'clock to-day I will test the sense of the committee on a motion to rise for the purpose of making that report. I would do it now except that we can only proceed by unanimous consent.

Mr. RICHARDSON of Tennessee. At what time did the gentleman say?

Mr. CANNON. At half past 12, if that is satisfactory to the gentleman from Virginia.

Mr. RIXEY. That is satisfactory to me.

CONFERENCE REPORT ON MILITARY ACADEMY BILL.

Mr. HULL. Mr. Speaker, I call up the conference report on the Military Academy bill, and ask unanimous consent that the statement only be read.

The SPEAKER. The gentleman from Iowa, chairman of the Committee on Military Affairs, calls up conference report on the Military Academy bill, and asks unanimous consent that the reading of the report be dispensed with and that the statement only be read. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON of Tennessee. Mr. Speaker, may I ask if the conference report is signed by the three conferees?

Mr. HULL. It is a unanimous report on both sides.

The SPEAKER. The Chair hears no objection, and the statement will be read by the Clerk.

The Clerk read the statement, as follows:

The conferees on the part of the House submit the following statement on the action of the conference committee of the two Houses on H. R. 13676, "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903:"

Amendment No. 1 provides for traveling expenses of cadets admitted to the Academy from their homes to the Academy, and also increases the number of cadets at large by the addition of 10, making a total number of 40 to be appointed from the country at large.

The House recedes from its disagreement to the amendment, and agrees to the same with an amendment providing that the total number of cadets appointed at large shall not exceed 40.

The agreement to the payment of actual traveling expenses was for the reason that since 1883 cadets at the Naval Academy have been allowed their expenses from their homes to the Academy, and for the further reason that it equalizes the expenses of the cadets by placing those living at a distance from the Academy on an exact equality with those living near the Academy.

No. 2 is simply a verbal amendment, and the House recedes.

No. 3 is simply an addition of the totals for three enlisted men, without changing the amount appropriated, and the House recedes.

Nos. 4 and 5 simply strike out quotation marks, which should never have been in the bill, and the House recedes.

No. 6 makes specific appropriation for athletic supplies, and the House recedes.

Nos. 7 and 10 simply refer to lights and strike out words which have been in the bill heretofore in regard to the Welsbach burner that are now considered surplusage, and the House recedes on both.

No. 8 relates to gauges for the water supply from two places only; and as the third place is added by another amendment later on, the House recedes.

No. 9 simply strikes out the brackets around certain words, and the House recedes.

No. 11 makes specific the power to provide for an increased water supply, and the House recedes.

No. 12 makes more specific the power under the bill to install the heating and lighting plant, and the House recedes.

No. 13 increases the appropriation \$1,000,000, and the Senate recedes.

No. 14 relates to supervising architects and also to the purchase of the island commonly known as Constitution Island. The House recedes from its disagreement to the amendment, and agrees to the same with the amendment which provides that no architect shall be employed after plans are approved, except that the Secretary of War may have a consulting architect, at a compensation not exceeding \$5,000 a year. This entirely eliminates the purchase of the island, as provided for in the Senate amendment.

J. A. T. HULL,

RICHARD WAYNE PARKER,

JAMES L. SLAYDEN,

Conferees on the part of the House.

[For conference report see page 7127.]

Mr. BARTLETT. Mr. Speaker, may I ask what changes this makes in reference to the number of cadets?

Mr. HULL. It adds 10 to those that the President may appoint at large. The Senate provision added 10 a year, and provided that the number should be 40. We struck out the provision that 10 should be added a year, and simply provided that it should not exceed the number of 40, for the reason that 10 a year might not reach the number apportioned. For instance, some failing one year could not be reappointed the next under the limitation of 10 a year.

Mr. STEELE. I would like to ask the gentleman as to the provision about equalizing the pay for travel of cadets living at a long or a short distance from the Academy.

Mr. HULL. Mr. Speaker, an effort has been made for some years to have the provisions applying to the Naval Academy in regard to paying the expenses of cadets applied to the Military Academy.

The Senate inserted a provision in this bill, and the House conferees, after discussion, agreed to it for two reasons. One is, it places the cadet at West Point on an equality with the cadet at Annapolis, and the other is that if the Government pays the expenses it equalizes the cost of education of the different cadets. In other words, a cadet appointed from New York only has to pay a dollar or two to get to West Point, while a cadet from California or in the Western or Middle States of the country coming to the Eastern borders of the country has to pay out a large amount of money for expenses. Sometimes this is a great hardship to the cadet living at a distance. It places the two academies on the same equality, and equalizes the amount paid

by those living close to the Academy and those living in remote parts.

Mr. BARTLETT. Will the gentleman permit me another question?

Mr. HULL. Yes.

Mr. BARTLETT. The President now has under the law 20 appointments?

Mr. HULL. He has 30.

Mr. BARTLETT. And it is proposed to give him 10 more, making the number 40 in all?

Mr. HULL. Yes.

Mr. BARTLETT. But it does not increase the number allowed to the Senator or Representative?

Mr. HULL. Not at all. It only replaces the President in this respect where he was some years ago—giving him the appointment of 40 cadets at large. In the first instance, the President appointed all the cadets; but under the present rule the cadets for the States and districts are appointed on the recommendation of Senators and Representatives, and at large are appointed by him without reference to the recommendation of anybody. These appointments, both for Annapolis and West Point, are given to the President for the purpose of providing for the sons of officers of the Army and Navy who have no Representative and are not bona fide representatives of any district. As to cadets appointed by members of the Senate and House of Representatives, the Representative or Senator making the nomination is required to certify that the cadet named is a bona fide resident of his district, or in the case of a Senator, of his State. In regard to residence, the President is not limited; he can appoint cadets from any locality. But the idea is to give him the means of providing for a class of people who would not otherwise be provided for.

Mr. MANN. How large an increase in the number of cadets was made in the last appropriation bill?

Mr. HULL. One hundred—90 for Senators and 10 for the President.

Mr. MANN. The President before that time had 20 appointments?

Mr. HULL. Yes, sir.

Mr. MANN. And now the proposition is to give him 40?

Mr. HULL. Years ago the President had 40 appointments; then we took away 20, leaving him 20; then, one year ago, we increased the number to 30, and now it is proposed to restore the number to 40.

Mr. MANN. As I understand, there will be an increased number of appointments by reason of the increase in the number of members of the House—an increase to the extent of 30 or 40.

Mr. HULL. Yes, sir. As the number of Representatives increases there is a corresponding increase in the number of cadets.

Mr. CLAYTON. May I interrupt the gentleman?

Mr. HULL. Certainly.

Mr. CLAYTON. I would like to ask the gentleman whether the proposition to increase by 10 the number of cadets to be appointed by the President was not voted down in the Military Committee when it was under consideration there?

Mr. HULL. It was.

Mr. CLAYTON. And the proposition is now to take the Senate amendment. I understand this is a Senate amendment.

Mr. HULL. Yes.

Mr. CLAYTON. Can the gentleman tell us when this business of increasing the number of cadets at the Naval Academy and at the Military Academy is to end?

Mr. HULL. Whenever Congress wants it to end; but I should say—

Mr. CLAYTON. Are we to be committed to a policy of continually increasing the number of appointments of cadets by the President?

Mr. HULL. So far as that is concerned, the next Congress can cut down the number, if it wants to—

Mr. CLAYTON. I hope it will.

Mr. HULL. Or increase the number, if it wants to.

Mr. CLAYTON. Does not the gentleman think we ought to begin the pruning process right now?

Mr. HULL. No; I do not.

Mr. CLAYTON. I do.

Mr. HULL. We went into conference on this bill with three important matters before the committee. This was one, if it can be called one. Another was the increase of \$1,000,000 in the appropriation for permanent buildings. Another was the proposed purchase of Constitution Island, without any limitation as to price, that provision having been put on by the Senate. The only three parts of the bill that were in controversy at all were these three that I have just named. The House conferees succeeded in having the million-dollar appropriation for buildings struck off. They succeeded in eliminating the provision for the purchase of Constitution Island. And the only thing of any consequence whatever that had been put on by the Senate that we did not succeed in having struck out was this one proposition.

I want to say to the gentleman from Alabama that the Committee on Military Affairs did not express themselves as absolutely opposed to any increase in this matter, but they believed they had better let it go over. I think this conference report is as substantial a victory for the contention of the House on this bill as has ever been secured by the House on any appropriation bill.

Mr. HAY. Is it not a fact that the Army has been decreased since this bill came up by 12,000 men?

Mr. HULL. Oh, yes. But, Mr. Speaker, the gentleman from Virginia knows that that is not a fair statement in regard to this cadet business.

Mr. HAY. Well, you are increasing the number of officers of the Army and decreasing the Army. Now, why increase the number of officers and thereby have officers with no men for them to command?

Mr. HULL. That I am not willing to concede at all. But I will say that the bill as passed by Congress and approved by the President, and now the law, did give the President the power to decrease the enlisted force, but not the commissioned force.

Mr. HAY. Exactly.

Mr. HULL. But the President has no power under the law to decrease the officers of the Army. He can only deal, under the law, with the enlisted force.

Mr. HAY. I know he has not, but the gentleman is now advocating a policy of increase or advocating an increase of the officers.

Mr. PARKER. No, no.

Mr. HULL. No, I am not. This does not do anything to increase officers of the Army; it simply provides for ten more cadets.

Mr. HAY. Well, will they not become officers?

Mr. HULL. They may or may not, owing to whether there are vacancies.

Mr. CLAYTON. May I ask the gentleman a question now, Mr. Speaker?

Mr. HULL. Wait until I answer the gentleman from Virginia. In accordance with the purpose of the committee of the House and of the Senate, we have proposed to largely increase the Academy at West Point. We have increased its professors, we are increasing its buildings, we are multiplying its powers to educate, and there are large numbers of people in the United States not in the Army, in the National Guard, and those that have given attention to this matter, who rejoice in the fact that at the small expense required to educate these young men it is going to be accomplished, and they are glad to have a full complement educated there for the benefit of the country as a whole, whether they serve in the Army or not.

Mr. STEELE. Whether they become officers or not?

Mr. HULL. Whether they become officers or not.

Mr. HAY. Your policy is to educate these young men, not for the Army, but for the country at large?

Mr. HULL. No; I do not believe that this number will go beyond the requirements of the Army, and will not fill all the vacancies in the Army.

Mr. HAY. Mr. Speaker, I will ask the gentleman if it takes the same number of officers to officer, say, 85,000 men, as to officer 66,000 men?

Mr. HULL. Mr. Speaker, that is not before the House, but I will answer the gentleman. If the organizations are preserved, it does; if the organizations are abolished, it does not. But if you have 12 companies in a regiment with 40 men you need the same officers that you have if you have them at a hundred men, if you have the 12 companies and preserve the organization. That was the idea of Congress when they passed the bill to reorganize the Army, so that in time of war, without waiting to drill officers as well as men, we could expand these regiments from within to their maximum strength and have an effective Army from the first day they are called for active service.

Mr. HAY. Are there not now a sufficient number of these officers to officer all the organizations under the present law?

Mr. HULL. No; there are not, with the number of cadets that we have, and there will not be even with this 10, and I am glad there will not be the full number, because I am glad to see them come up from the ranks, and they will still have as much opportunity in the future as they have had in the past for that promotion.

Mr. HAY. I will ask the gentleman if this increase was not originally on the Army appropriation bill?

Mr. HULL. I think not. I think it was originally proposed in the committee on the Military Academy bill.

Mr. HAY. My recollection and that of the gentleman do not agree.

Mr. HULL. It does not make a particle of difference which is right.

Mr. HAY. I understand that; but you are now putting on this bill an increase which was not contemplated when the Military Academy bill was introduced.

Mr. HULL. We are putting it on here because in a conference the conferees have got to give and take.

Mr. HAY. Oh, I understand all that.

Mr. HULL. And when the conferees of the Senate said, in substance, "We are giving up a million dollars, and we are giving up the purchase of Constitution Island and every point in issue between the two Houses, and we insist on having the rights of the Senate on something," I say that this House has no right to criticize its conferees for their action.

Mr. HAY. I am not criticising the Senate. I am criticising nobody. I am criticising the policy. Now, if the contention of the gentleman is going to prevail, then we ought always to give up something to the Senate, no matter what the rights of the case are. If the contention of the House in instructing the conferees on the Army bill the other day is to be maintained, then we ought not to give up anything which is not right.

Mr. HULL. Well, I do not think we have given up anything not entirely proper to concede.

Mr. HAY. I understand that. I do not think we ought to increase these cadets. I think there are enough there now, or will be, and I do not see any reason why this should be increased.

Mr. GILLET of Massachusetts rose.

Mr. HULL. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. GILLET] for a question.

Mr. GILLET of Massachusetts. Has it not been necessary in the recent war to appoint a great many officers who have had no West Point education because there were not enough West Point graduates?

Mr. HULL. Oh, not only have they been appointed, a large number of them, because of that, but they are appointing a hundred within the last two months from the ranks and from civil life because the trained men could not be had from West Point.

Mr. CLAYTON. I should like the gentleman to give me two minutes to criticize the conference committee.

Mr. HULL. In a moment. This increase of ten provided for in this bill is not an extravagant increase under any consideration whatever. I am not in favor of increasing the cadets beyond the needs of the Government. I have never had any sympathy with the idea of educating them to let them go back into civil life; but up to this point, and with the law as it stands, with the increase of ten, I believe the Government will absorb all of them and leave places for those from the ranks and civil life as well still to be appointed to make good the vacancies.

Mr. RICHARDSON of Tennessee. Is not the policy being pursued by the Government of reducing the Army, and if so, why is it necessary to increase these commissioned officers?

Mr. HULL. Mr. Speaker, we are not increasing the commissioned officers, and there is no policy to reduce the commissioned officers.

Mr. RICHARDSON of Tennessee. It operates to increase the Army if we make more lieutenants.

Mr. HULL. The policy is to reduce the enlisted force. We are not reducing lieutenants, captains, majors, and colonels.

Mr. RICHARDSON of Tennessee. Ought we not to do so if we reduce the Army?

Mr. HULL. I say no.

Mr. CLAYTON. I should like you to give me two minutes to criticize this conference report.

Mr. HULL. I yield two minutes to the gentleman.

Mr. CLAYTON. Mr. Speaker, the chairman of the Committee on Military Affairs seems to resent the idea that this House can criticize the action of a conference committee. We recall but very recently an occasion when this House did criticize a measure that the Senate had insisted upon and that the conferees of the House, I think, had agreed to—the Selfridge claim. You recollect that this House asserted its authority and its opposition to that measure. Now, I say this much in vindication of the wisdom of the House in opposing these conference reports: Simply because some worthy Senators and worthy members of this House felicitate themselves, as the gentleman has done this morning, upon reaching an agreement it will not do to perpetrate upon the House the old chestnut that we have to "give and take." We ought to give when it is proper to give, and we ought to take when it is proper to take, but when it is wrong to give or wrong to take, this House ought to assert its constitutional right and its self-respect and dignity and refuse either to give or take.

Now, Mr. Speaker, it is very evident from what the gentleman has said that the policy of the Government at this time is to decrease the Army. It is true that the decrease so far has taken place in respect to the volunteer force, or the enlisted men, more properly speaking. But, Mr. Speaker, that is a policy of reducing the military forces of the United States. With that policy set on foot, of which I approve, because I do not want to see this Government always embroiled in war, always supporting a vast army, paying out to-day one hundred and twenty millions of the people's money for the support of the Army, when prior to the Spanish war we paid out upon an average only \$24,000,000 per year—

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Give me one more minute.

Mr. HULL. I can not do it.

Mr. CLAYTON. I have a little more criticism I should like to make on your top-heavy army that you want to create.

Mr. HULL. I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I do not propose to criticize the action of the conference committee in making this report or recommending an agreement in this provision, because I appreciate the embarrassment which the conferees may have in making an adjustment with the Senate. But, Mr. Speaker, when the proposition to increase the Army was before the House I did not vote for it. I shall not vote for a provision of this sort under any circumstances, to increase the number of cadets or the officers of the Army.

There has already been an increase within a year or two of a hundred cadets. There will be an increase by reason of the increase of the membership of the House of 30 or 40 cadets. Here is a proposition to increase by 10 more cadets. There is no limit to propositions of this kind. There is no reason why the number of cadets should be increased, unless the proposition is that we have enough cadets to fully officer the Army, and I do not understand the gentleman himself, the chairman of the committee, would favor that proposition. There is a steady tendency on the part of Congress, though not, I believe, on the part of the Executive at present, to increase the Army; and I dare say, Mr. Speaker, that most of the troubles which the country is now having, and particularly which this side of the House is suffering from in the Philippine Islands, comes from the very large increase in the Army which was made by this Congress two years ago.

Mr. HULL. I yield three minutes to the gentleman from New Jersey.

Mr. PARKER. Mr. Speaker, I would not speak on this subject, except that there is so much misunderstanding of it. The number at West Point—will the gentleman from Illinois give me his attention, as I am speaking to him especially.

Mr. MANN. I will be glad to give the gentleman my attention at any time.

Mr. PARKER. The number at West Point up to a few years ago, referred to by the gentleman from Illinois, was for an army of 25,000 men. Our Army at present has a minimum of 59,000 men.

Mr. MANN. May I ask the gentleman a question?

Mr. PARKER. Certainly; if you do not consume my three minutes.

Mr. MANN. Is it not a fact that when the Army was 25,000 men only the number of cadets graduated at West Point were more than sufficient to officer the Army?

Mr. PARKER. No, sir; they were not.

Mr. MANN. Why did they keep turning them out into civil life, then?

Mr. PARKER. That was when we had an army of 10,000 men. When we increased to 25,000 the Military Academy was not sufficient to officer the Army.

Mr. CLAYTON. Was it not top-heavy?

Mr. PARKER. We were then appointing from civil life and appointing from the ranks. Now, when our Army has been more than doubled in officers since we had 25,000 men, West Point has been increased about one-third. There is a hundred increase now, and when we get the new increase West Point will be increased about one-third, which is entirely insufficient to furnish the proper proportion of officers graduated from West Point for the present Army. This is the first argument for this amendment. But there is much more to be said.

In the last three years we have had soldiers and officers without homes, serving in the Army all over the world, whose sons want an opportunity to go to West Point, and who are practically without any Congressman to whom they can appeal. The 30 appointments in the hands of the President have been used exclusively for the benefit of those men who are giving their life for the country. It was reduced from 40, years ago, to 20; it has been put up to 30, and 10 more are utterly insufficient for the noble purpose of taking care of these men and giving to them an equal chance with those who live here and have political friends to take care of them.

Mr. Speaker, this is a just amendment on its merits.

Mr. HULL. I call for a vote, Mr. Speaker.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HAY. Division, Mr. Speaker.

Pending the announcement of the vote,

Mr. HAY. I make the point of no quorum present and voting.

Mr. RICHARDSON of Tennessee. Will the Chair announce the result of the vote?

The SPEAKER (after the counting). It is evident to the Chair that there is not a quorum here, and the Chair will order the yeas and nays. The Doorkeeper will close the doors, the Sergeant-at-Arms will bring in members. Those in favor of the adoption of the conference report will vote "yea;" those opposed "nay;" and those present and not voting will vote "present."

The question was taken; and there were—yeas 88, nays 59, answered "present" 34, not voting 171; as follows:

YEAS—88.

Adams,	Dick,	Ketcham,	Reeder,
Alexander,	Dovener,	Knapp,	Reeves,
Babcock,	Eddy,	Kyle,	Roberts,
Barney,	Esch,	Lacey,	Rumple,
Beidler,	Foss,	Lawrence,	Scott,
Boutell,	Gaines, W. Va.	Littlefield,	Showalter,
Bowersock,	Gillett, Mass.	Lovering,	Sibley,
Brick,	Graft,	Martin,	Smith, Ill.
Brownwell,	Grosvenor,	Mercer,	Smith, Iowa
Burke, S. Dak.	Hamilton,	Miller,	Southard,
Burton,	Haskins,	Minor,	Sperry,
Butler, Pa.	Hedge,	Moody, Oreg.	Steele,
Cannon,	Hemenway,	Morgan,	Stewart, N. J.
Capron,	Henry, Conn.	Moss,	Sulloway,
Conner,	Hepburn,	Mudd,	Sutherland,
Cooper, Wis.	Hildebrandt,	Needham,	Tawney,
Cromer,	Hitt,	Olmdorf,	Thomas, Iowa
Crumacker,	Holliday,	Otjen,	Tongue,
Curtis,	Howell,	Overstreet,	Van Voorhis,
Dahle,	Hull,	Palmer,	Warnock,
Dalzell,	Jenkins,	Parker,	Woods,
Darragh,	Jones, Wash.	Powers, Me.	The Speaker.

NAYS—59.

Allen, Ky.	Flood,	McDermott,	Selby,
Ball, Tex.	Gordon,	McRae,	Sims,
Bartlett,	Griggs,	Maddox,	Small,
Bellamy,	Hay,	Mickey,	Smith, Ky.
Burleson,	Hooker,	Moon,	Snodgrass,
Candler,	Johnson,	Padgett,	Spight,
Cassingham,	Jones, Va.	Patterson, Tenn.	Stark,
Clayton,	Kern,	Ransdell, La.	Stephens, Tex.
Cochran,	Kitchin, Claude	Richardson, Ala.	Swanson,
Cowherd,	Kleberg,	Rixey,	Thayer,
De Armond,	Lanham,	Robb,	Thomas, N. C.
Dinsmore,	Lester,	Robinson, Ind.	Williams, Ill.
Dougherty,	Lever,	Robinson, Nebr.	Williams, Miss.
Edwards,	Little,	Rucker,	Zenor.
Fleming,	Lloyd,	Scarborough,	

ANSWERED "PRESENT"—34.

Adamson,	Davidson,	McClellan,	Sparkman,
Benton,	Dayton,	Mann,	Tate,
Breazeale,	Fletcher,	Metcalf,	Taylor, Ala.
Brownlow,	Gilbert,	Meyer, La.	Vandiver,
Burgess,	Griffith,	Pou,	Warner,
Burkett,	Livingston,	Richardson, Tenn.	Wheeler,
Clark,	Long,	Shattuc,	Wiley.
Conry,	Loud,	Skiles,	
Davey, La.	McCall,	Slayden,	

NOT VOTING—171.

Acheson,	Driscoll,	Kehoe,	Ray, N. Y.
Allen, Me.	Elliot,	Kitchin, Wm. W.	Reid,
Applin,	Emerson,	Kluttz,	Rhea, Va.
Ball, Del.	Evans,	Knox,	Robertson, La.
Bankhead,	Feely,	Lamb,	Ruppert,
Bartholdt,	Finley,	Landis,	Russell,
Bates,	Fitzgerald,	Lassiter,	Ryan,
Beil,	Foerderer,	Latimer,	Schirm,
Belmont,	Fordney,	Lessler,	Shackelford,
Bingham,	Foster, Ill.	Lewis, Ga.	Shafroth,
Bishop,	Foster, Vt.	Lewis, Pa.	Shallenberger,
Blackburn,	Fowler,	Lindsay,	Shelden,
Blakeney,	Fox,	Littauer,	Sheppard,
Boring,	Gaines, Tenn.	Loudenslager,	Sherman,
Bowie,	Gardner, Mich.	McAndrews,	Smith, H. C.
Brantley,	Gardner, N. J.	McClary,	Smith, S. W.
Bristow,	Gibson,	McCulloch,	Smith, Wm. Alden
Broussard,	Gill,	McLachlan,	Snook,
Brown,	Gillet, N. Y.	McLain,	Southwick,
Brundidge,	Glenn,	Mahon,	Stevens, Minn.
Ball,	Goldfogle,	Mahoney,	Stewart, N. Y.
Burk, Pa.	Gooch,	Marshall,	Storm,
Burleigh,	Graham,	Maynard,	Sulzer,
Burnett,	Green, Pa.	Miers, Ind.	Talbert,
Butler, Mo.	Greene, Mass.	Mondell,	Taylor, Ohio
Calderhead,	Grow,	Moody, N. C.	Thompson,
Caldwell,	Hall,	Morrell,	Tirrell,
Cassel,	Hanbury,	Morris,	Tompkins, N. Y.
Connell,	Haugen,	Mutcher,	Tompkins, Ohio
Coombs,	Heatwole,	Napen,	Trimble,
Cooney,	Henry, Miss.	Neville,	Underwood,
Cooper, Tex.	Henry, Tex.	Nevin,	Vreeland,
Corliss,	Hill,	Newlands,	Wachter,
Cousins,	Hopkins,	Norton,	Wadsworth,
Cramer,	Howard,	Patterson, Pa.	Wanger,
Crowley,	Hughes,	Payne,	Watson,
Currier,	Irwin,	Pearre,	Weeks,
Cushman,	Jack,	Perkins,	White,
Davis, Fla.	Jackson, Kans.	Pierce,	Wilson,
De Graffenreid,	Jackson, Md.	Powers, Mass.	Wooten,
Deemer,	Jett,	Prince,	Wright,
Douglas,	Joy,	Pugsley,	Young.
Draper,	Kahn,	Randell, Tex.	

After the completion of the second call and before the announcement, the following took place:

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Tennessee. Can we have an announcement of the vote?

The SPEAKER. It is not yet footed up, the clerks are verifying the statement. The Chair will state to the gentleman also that we are trying to get a quorum.

Mr. RICHARDSON of Tennessee. The House is entitled to know whether there is a quorum present or not.

The SPEAKER. The Chair is not obliged to make the announcement until the footing is completed.

Mr. RICHARDSON of Tennessee. The House is entitled to know whether we have a quorum present or not.

The SPEAKER. The Chair has stated to the gentleman that the Clerk is making the footings.

Mr. RICHARDSON of Tennessee. The House is entitled to know how many members are present.

The SPEAKER. The Chair is not obliged to announce the result until a quorum is reached. The Chair has stated that there is no quorum present.

Mr. RICHARDSON of Tennessee. How many do we lack, Mr. Speaker?

The SPEAKER. The Chair does not know.

Mr. RICHARDSON of Tennessee. I ask for the information of the House that we have stated the number present.

The SPEAKER. The Chair has stated that the Clerk is footing it up and verifying the situation.

Mr. RICHARDSON of Tennessee. I am willing to wait a reasonable time for the additions to be made.

The SPEAKER. The gentleman will have to wait until it is footed up, whether he is willing or not.

Mr. RICHARDSON of Tennessee. Then, Mr. Speaker, I demand that it be footed up within a reasonable time.

The SPEAKER. The gentleman can not control the action of the clerks, who are faithfully trying to discharge their duty.

Mr. RICHARDSON of Tennessee. Nor can the Speaker control the action of the House.

The SPEAKER. The Chair is not controlling the action of the House, but he is waiting for the record to be made up. The gentleman from Tennessee—

Mr. RICHARDSON of Tennessee. The gentleman from Tennessee is only asking that the House be informed—

The SPEAKER. The gentleman from Tennessee is out of order. The Chair has undertaken faithfully to answer the gentleman's question.

Mr. RICHARDSON of Tennessee. I am perfectly willing to wait a reasonable time.

Mr. CLAYTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLAYTON. There is evidently not a quorum present. Will a motion to adjourn be in order at this time?

The SPEAKER. If seconded by a majority of those present, it will be in order.

Mr. RICHARDSON of Tennessee. I do not think, Mr. Speaker, it would have to be seconded to be in order.

Mr. CLAYTON. Then, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn. As many as second the motion of the gentleman from Alabama will rise. [After counting.] Thirty-six gentlemen rising. The noes will rise. [After counting.] Sixty-eight members rising. On this question those seconding the motion are 36 and those opposed are 68; so the motion fails of a second, and the officers will proceed to make the quorum as originally directed.

Mr. RICHARDSON of Tennessee. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Tennessee. Have we waited long enough for the Clerk to make the additions? If so, we would be glad to have the announcement as to how many are present.

The SPEAKER. Under the rule, when a quorum failed to be present, the Chair directed the doors to be closed, the Sergeant-at-Arms to bring in members of the House to make a quorum, the roll was called, and members are now responding in pursuance of that order, so that we may make a quorum to do the business of the country and of this House. When the gentleman first rose there were 17 less than a quorum, as the Chair now ascertains, but members are still coming in.

The following pairs were announced:

For the session:

Mr. METCALF with Mr. WHEELER.

Mr. DEEMER with Mr. MUTCHLER.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. RUSSELL with Mr. McCLELLAN.

Mr. IRWIN with Mr. GOOCH.

Mr. SHERMAN with Mr. RUPPERT.

Mr. KAHN with Mr. BELMONT.

Mr. BOREING with Mr. TRIMBLE.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. HEATWOLE with Mr. TATE.

Mr. WRIGHT with Mr. HALL.

Mr. BULL with Mr. CROWLEY.

Mr. YOUNG with Mr. BENTON.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. WANGER with Mr. ADAMSON, except on election cases.

Until further notice:

Mr. STEVENS of Minnesota with Mr. VANDIVER.

Mr. HOPKINS with Mr. SNOOK.

Mr. TAYLER of Ohio with Mr. BOWIE.

Mr. DRAPER with Mr. BURNETT.

Mr. CONNELL with Mr. KLUTTZ.

Mr. BROWNLOW with Mr. PIERCE.

Mr. GILL with Mr. SULZER.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. FORDNEY with Mr. BURGESS.

Mr. TIRRELL with Mr. CONRY.

Mr. WARNER with Mr. CALDWELL.

Mr. MANN with Mr. JETT.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. JACK with Mr. FINLEY.

Mr. WM. ALDEN SMITH with Mr. GRIFFITH.

Mr. MORRIS with Mr. JACKSON of Kansas.

Mr. CRUMPACKER with Mr. MIERS of Indiana.

Mr. RAY of New York with Mr. LANHAM.

Mr. EMERSON with Mr. GILBERT.

Mr. FOSTER of Vermont with Mr. POU.

Mr. SKILES with Mr. TALBERT.

Mr. KNOX with Mr. MAYNARD.

For this day:

Mr. FOWLER with Mr. MCANDREWS.

Mr. SOUTHWICK with Mr. MAHONEY.

Mr. DOUGLAS with Mr. FEELY.

Mr. FOERDERER with Mr. BUTLER of Missouri.

Mr. BURK of Pennsylvania with Mr. BRUNDIDGE.

Mr. ACHESON with Mr. COOPER of Texas.

Mr. PEARRE with Mr. LEWIS of Georgia.

Mr. LESSLER with Mr. LINDSAY.

Mr. BRISTOW with Mr. WILEY.

Mr. PAYNE with Mr. RICHARDSON of Tennessee.

Mr. GILLET of New York with Mr. GOLDFOGLE.

Mr. BLACKBURN with Mr. GLENN.

Mr. BURLEIGH with Mr. GAINES of Tennessee.

Mr. BROWN with Mr. FOX.

Mr. STORM with Mr. FITZGERALD.

Mr. BISHOP with Mr. FOSTER of Illinois.

Mr. BATES with Mr. COONEY.

Mr. BINGHAM with Mr. CREAMER.

Mr. BARTHOLDT with Mr. ELLIOTT.

Mr. BALL of Delaware with Mr. BROUSSARD.

Mr. ALLEN of Maine with Mr. BANKHEAD.

Mr. CORLISS with Mr. HOWARD.

Mr. CASSEL with Mr. HENRY of Texas.

Mr. GRAHAM with Mr. KEHOE.

Mr. COUSINS with Mr. WILLIAM W. KITCHIN.

Mr. CURRIER with Mr. LAMB.

Mr. CUSHMAN with Mr. LASSITER.

Mr. GREENE of Massachusetts with Mr. LATIMER.

Mr. HAUGEN with Mr. McCULLOCH.

Mr. HUGHES with Mr. McLAIN.

Mr. LEWIS of Pennsylvania with Mr. DAVIS of Florida.

Mr. LITTAUER with Mr. NAPHEN.

Mr. PRINCE with Mr. NEVILLE.

Mr. MCCLEARY with Mr. NEWLANDS.

Mr. MAHON with Mr. NORTON.

Mr. MARSHALL with Mr. RANDELL of Texas.

Mr. MONDELL with Mr. RHEA of Virginia.

Mr. NEVIN with Mr. REID.

Mr. PATTERSON of Pennsylvania with Mr. RYAN.

Mr. POWERS of Massachusetts with Mr. SHACKLEFORD.

Mr. SCHIRM with Mr. SHAFROTH.

Mr. SHELDEN with Mr. THOMPSON.

Mr. VREELAND with Mr. UNDERWOOD.

Mr. SAMUEL W. SMITH with Mr. WHITE.

Mr. TOMPKINS of New York with Mr. BELL.

Mr. WACHTER with Mr. BRANTLEY.

Mr. WADSWORTH with Mr. WILSON of New York.

Mr. WATSON with Mr. WOOLEN.

For ten days (until July 1):

Mr. BURKETT with Mr. SHALLENBERGER.

Until June 28:

Mr. EVANS with Mr. HENRY of Mississippi.

Mr. JOY with Mr. COCHRAN.

Until June 25:

Mr. STEWART of New York with Mr. BREAZEALE.

For two weeks:

Mr. WEEKS with Mr. SHEPPARD.

Until June 23:

Mr. HILL with Mr. PUGSLEY.

On this vote:

Mr. DAVIDSON with Mr. SPARKMAN.

The SPEAKER. On this question the yeas are 88; the nays 59; answering "present," 33; total, 180. A quorum appears. The yeas have it, and the report is agreed to. The Doorkeeper will reopen the doors.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

CONFERENCE REPORT ON SUNDRY CIVIL BILL.

Mr. CANNON. Mr. Speaker, I call up the conference report on the sundry civil bill. I ask unanimous consent to dispense with the reading of the conference report and the statement, as both of them are in the RECORD this morning.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the reading of both the statement and the report. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, why omit the statement? That is the only source of information, unless the gentleman himself is going to make a statement.

Mr. CANNON. Because it is in the RECORD this morning.

Mr. RICHARDSON of Tennessee. I know it is. But I do not think putting it in the RECORD ought to dispense with its reading.

Mr. CANNON. Then let it be read.

The SPEAKER. Without objection, the reading of the report will be dispensed with, and the statement may be read.

Mr. RICHARDSON of Tennessee. Mr. Speaker, if I may be permitted to say so in explanation, I think if we get into the habit of simply taking the publication of a statement as sufficient, the last habit will be worse than the other.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement, to be found in the proceedings of June 20, 1902.

Mr. CANNON. Mr. Speaker, I move the adoption of the conference report.

Mr. BARTLETT. Mr. Speaker, I would like to interrupt the gentleman for a moment, if I may.

Mr. CANNON. Certainly.

Mr. BARTLETT. I think it is all right, but I desire simply to call the attention of the gentleman from Illinois to the fact that there is no provision in this conference report with reference to any amount of money to be appropriated for the public building at Macon. The omnibus public-building bill carried for that city an appropriation of \$156,000, \$31,000 of which was to be expended in the purchase of additional site for the improvement of the building. Now, the situation is this: In 1899 there was passed by Congress a bill authorizing \$58,000 to be expended, and that amount was appropriated for and is available. The Supervising Architect of the Treasury at one time reported to the chairman of the Appropriations Committee that it would be necessary to have appropriated here \$50,000. Upon a review of that, he reported that there would not be necessary any appropriation to be made in this sundry civil bill. I have just received a message from the Supervising Architect in which he states that in his opinion the \$58,000 appropriated under the act of 1899 would be available for all they could do up to the 4th of March next. Now, the proposition upon which I desire to get an expression of opinion from the chairman of the Appropriation Committee, if he will kindly give it, is, if these are the facts, whether there would be any trouble in using the \$31,000 of the amount appropriated for this site? I think that is about as far as we will be able to go.

Mr. CANNON. Mr. Speaker, the gentleman has stated the matter as I understand it. This statement was made very closely by the Supervising Architect, submitted to the chairman of the Committee on Public Buildings and Grounds, and it received his approval. Besides the amount appropriated there is power in the omnibus bill to contract, so that I have no doubt, so far as I am concerned, that there is more than money enough to run the Macon public building up to the 4th of March next, including the purchase of a site.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for the statement, and I think he understands why I could not permit the occasion to pass without undertaking to see that it was disposed of properly.

Mr. MERCER. Mr. Speaker, there is no question but what the appropriation is ample to comply with all that is necessary, I will say to the gentleman from Georgia.

Mr. CANNON. Mr. Speaker, I ask for a vote on the conference report.

The SPEAKER. The question is on the adoption of the conference report.

The question was taken, and the report agreed to.

Mr. CANNON. Mr. Speaker, I now move that the House further insist on its disagreement to the Senate amendments set

out in the report not agreed to. There are quite a number of them and the report states them. Unless there is a separate vote demanded upon some one, or a motion to concur upon some one, I will make the motion in gross.

Mr. GROSVENOR. Mr. Speaker, I want to make a motion to concur to one of the amendments.

Mr. CANNON. Which amendment?

Mr. GROSVENOR. One hundred and sixty.

Mr. CANNON. Then I will modify my motion to that extent.

The SPEAKER. The gentleman from Ohio demands a separate vote upon amendment 160, the Chair understands.

Mr. GROSVENOR. Yes.

The SPEAKER. That one will be left out, and if there is no separate vote demanded on the other amendments the Chair will submit them in gross. The question is on further insisting on the disagreement of the House to the other amendments of the Senate, omitting 160.

Mr. MERCER. Mr. Speaker, before the question is taken, I will ask if the committee of conference agreed on that item with reference to the plans for the Smithsonian building?

Mr. CANNON. Yes.

The question was taken, and the motion agreed to.

Mr. GROSVENOR. I move that the House concur in Senate amendment No. 160, which I wish to have read to the House.

The SPEAKER. The gentleman from Ohio moves that the House recede and concur in Senate amendment No. 160. The Clerk will report the amendment.

The Clerk read as follows:

Memorial bridge across the Potomac River: To enable the Secretary of War to begin the construction of a memorial bridge connecting the Potomac Park with the Arlington estate property, \$100,000: *Provided*, That so much of the said amount as may be necessary may be expended for the purpose of securing and determining the proper plans for said bridge, said location and plans to be in accordance with the recommendations of the Secretary of War and to be subject to the approval of the President and Congress: *And provided further*, That the cost of said bridge and the approaches thereto shall not exceed \$2,500,000.

Mr. CANNON. Now, Mr. Speaker, I will ask the gentleman from Ohio [Mr. GROSVENOR] whether he desires some time. I should like to see if we can agree about the time.

Mr. GROSVENOR. Some time is requested by gentlemen here on the floor. It has been suggested that we have thirty minutes on a side.

Mr. CANNON. Let us suggest fifteen on a side.

Mr. GROSVENOR. Let us split the difference and say twenty.

Mr. CANNON. There is nothing mean about me. I ask unanimous consent for twenty minutes on a side.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time for debate on this amendment be limited to twenty minutes on a side, twenty minutes in favor and twenty minutes against. Is there objection?

There was no objection.

Mr. GROSVENOR. Mr. Speaker, I shall only occupy time enough to state what this amendment is. At the request of certain gentlemen connected with the Grand Army of the Republic and interested in this memorial bridge, which has been the subject of a great deal of discussion and Presidential suggestion to the Houses of Congress, I want to support the amendment to make the initial step toward the building of a memorial bridge across the Potomac River that shall connect the city of Washington with Arlington, the resting place of so many of the dead of the Union Army; and I yield so much of the twenty minutes as the gentleman desires to the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. Mr. Speaker, this proposition to build a bridge across the Potomac has been pending in Congress for fifteen years or more. It has been before the Senate and the House at almost every Congress. The Senate has repeatedly passed an amendment to the sundry civil bill providing for the building of a bridge to connect the capital with Arlington. Several Congresses ago the House Committee on Interstate and Foreign Commerce reported a bill in favor of building a bridge across the Potomac, the report being made by the gentleman from New York [Mr. SHERMAN]. No action was had upon that bill by the House. In a past Congress—I believe in 1900—a provision similar to this, except that the limit of cost of the bridge in that case was some \$5,000,000, came over from the Senate on the sundry civil bill, and a vote was had in the House upon the proposition to build the bridge. It carried on a division, but upon the yeas and nays it was defeated by 116 to 130.

There has never been any recommendation from any Government official against the necessity for building this bridge. As far back as 1893 Secretary Lamont reported in favor of the absolute necessity of connecting the capital with Fort Myer and Arlington. He followed it up in his reports in 1894 and 1895. Secretary Alger made an equally strong report while he was Secretary of War, and the present Secretary of War, Mr. Root, has

recommended in the strongest terms the necessity for building this bridge.

Mr. STEELE. Have these gentlemen to whom you refer always contended that the Government should build this bridge without aid from the State of Virginia or anybody else?

Mr. RIXEY. They have. They have contended, and contended properly, that the bridge ought to be built by the Government. In reply to the gentleman from Indiana, I will say that when this matter was considered by one of the committees while I was present, some one suggested that perhaps the State of Virginia ought to pay a part of the cost of this bridge. I said, "Well, if that is the disposition of Congress, let a proposition be made to the State of Virginia to contribute to the expenditure of building this bridge; but of course if Virginia pays a third or half the expense of building this bridge from the national capital to Arlington, it must have some control over the bridge." The committee at once said they could not consent to that. It does seem to me that this bridge ought to be built, and built by the Government alone. It will be upon property belonging to the Government upon this side and upon the Arlington estate upon the other side. The Government owns the whole of the Potomac River. It owns the property upon this side, and it owns the property upon the other side of the river. This bridge will connect the capital with the national cemetery.

In time past there has been some little objection, perhaps, on the part of some members to voting for this proposition upon the ground that Arlington was not in one sense a national cemetery, but a cemetery for only one section of the country. But if there was ever anything in that contention it has ceased to exist, because since the Spanish-American war Arlington is a cemetery for the dead soldiers of this whole country, and there is no reason, in my judgment, why any member should refuse to vote for the bridge on the ground that it is not the cemetery of the whole country.

Mr. ROBINSON of Indiana. I did not catch the amount of the ultimate cost of this memorial bridge.

Mr. RIXEY. It is not to exceed \$2,500,000.

Mr. ROBINSON of Indiana. Does the gentleman think it will be confined within that sum?

Mr. RIXEY. I do.

Mr. ROBINSON of Indiana. And he thinks that bridge ought to be built by the people of the United States or by the United States Government as a memorial bridge because it reaches a cemetery?

Mr. RIXEY. Not simply as a memorial bridge, but it ought to be built because it is necessary, and then it ought to be made a memorial for the soldiers who have died for their country.

Mr. ROBINSON of Indiana. I appreciate the fact that this contemplated bridge connects the gentleman's district with the city of Washington. His district is well represented, and he is performing his duty well; but the city of Washington, without any Representative, seems to be getting more than any other section of the country or any large portion of the country when it is proposed to pay the whole sum out of the United States Treasury. For utility bridges in the District of Columbia the District pays one-half of the cost, but here the memorial feature is shrewdly attached and is urged as a reason why the whole sum should be borne by the United States Treasury.

Mr. RIXEY. The city of Washington in some respects will get more and ought to get more, because it is the only city which is the national capital, and it must have appropriations which are made for that purpose. As I said a moment ago, when interrupted, there has not been any adverse recommendation from the Government, from the Secretary of War, or from the President. There have been four or five urgent recommendations by the Secretary of War, the last being as late as April of the present year. The late President McKinley, in one of his messages to Congress, commended in the strongest terms the building of this bridge. He said, among other things:

The proposed bridge would be a convenience to all the people from every part of the country who visit the national cemetery, an ornament to the capital of the nation, and forever stand as a monument to American patriotism. I do not doubt that Congress will give the enterprise still further proof of its favor and approval.

Now, Mr. Speaker, when this matter was before the House in 1900, the gentleman from Illinois, who is opposing this provision now, then urged Congress to wait six months before authorizing the building of the bridge. Since that time the Long Bridge here has been separated to some extent, the railroad part being separated from the highway part. The idea has been that the highway part of the Long Bridge would accommodate the travel; but it can not and never will accommodate the travel that would go to Arlington. It is now urged that this new Long Bridge does away with the necessity for the memorial bridge. Let me call your attention to the history of the Long Bridge. In 1867 this Government gave that bridge to the Baltimore and Potomac Rail-

road on condition that it would keep up the highway part for the traveling public. During the last Congress provision for the building of a separate highway bridge was made, relieving the railroad from all necessity for keeping up the highway part of the old bridge.

The highway part of the Long Bridge could only accommodate those people who lived below the city of Washington, Alexandria and vicinity. There never has been but one bridge connecting this city with Arlington, and that is the Aqueduct Bridge; and every one who has been there on Memorial Day and upon occasions when distinguished men have been buried there knows that that bridge is totally inadequate to accommodate the travel. So great is this travel that it practically stops traffic for business upon the Aqueduct Bridge for many hours during the day.

It does seem to me, Mr. Speaker, that the time has come when this bridge ought to be built. The Government needs it, and I am glad to add my voice and vote for the building of this bridge. I am glad to aid in the construction of what will be a monument and memorial to the patriotism of the soldiers of this country.

I now yield back the time which is left to the gentleman from Ohio.

Mr. CANNON. Mr. Speaker, I yield five minutes to the gentleman from Arkansas, a member of the committee.

Mr. McRAE. Mr. Speaker, I desire to take but little time in the discussion of this amendment, but I do want to say that I am opposed to an appropriation for the construction of a memorial bridge on this bill. If there is necessity for the erection of such a bridge, the Committee on Appropriations has no jurisdiction of that subject. The estimate placed upon the cost of this project is \$2,000,000. There is nobody familiar with the scheme that is involved who believes that it can be built for \$2,000,000 or that it will be. The estimates for the bridge run all the way from five to seventeen million dollars. A work of this sort ought to be carefully considered by a committee that has jurisdiction of the subject. The plans ought to be worked out in a careful and elaborate way by capable architects and bridge builders. They have not been within the limit here proposed. I hope that gentlemen on this side of the House at least will not vote for this proposition at this time, whether they are in favor of a memorial bridge across the Potomac at the place proposed or not. This is not the time nor the way to do it.

Mr. CANNON. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, a bill in reference to a memorial bridge has been referred to the Committee on Interstate and Foreign Commerce for a number of Congresses, and it has been pending before that committee the entire time during which I have been a member for the last five years. It has been urged, and will be urged by the distinguished gentleman from Ohio [Mr. GROSVENOR], that this is the proper time to commence the construction of a memorial bridge in memory of the soldiers both of the North and of the South. This is a plea which can be advanced with a good deal of strength by the distinguished gentleman from Ohio. It has been a plea which has been urged before the Committee on Interstate and Foreign Commerce, not by the soldiers, not by the Grand Army of the North, not by the Confederate soldiers of the South, but by one or two gentlemen who live in Washington and who purport to represent them. Mr. Speaker, it was called to the attention of the members of the committee that although every one of them, at least from the North, represent districts in which there are large numbers of soldiers no one of the committee had ever been requested by any constituents in his own district, in conversation or otherwise, to support this memorial bridge.

It will be said now that they are all in favor of it. Why, Mr. Speaker, I happen to represent a district like other Northern districts, in which there are a great number, both of Union soldiers and ex-Confederate soldiers, and during the campaign and at other times we come in contact with these men personally. While this matter has been pending before the committee, of which I happen to be a member, and we have had it under consideration time and time again, not one of these people, these ex-soldiers both from the North and the South living in my district, has ever mentioned to me the subject of a memorial bridge.

This is an effort now to prostitute the desire to revere the memory of the soldiers for the purpose of advancing a real estate scheme.

The people who are interested in the construction of a memorial bridge, or a bridge of any kind, to cost the fancy sum which is proposed here, are not the soldiers of the North or the South scattered throughout the land, but they are the people in the District of Columbia, and on the other side of the Potomac, who want the construction not only of this fancy bridge, but a fancy roadway running from the bridge down into Virginia.

Mr. RIXEY. Will the gentleman permit me an interruption?

Mr. MANN. Yes.

Mr. RIXEY. How do you account for the unanimous and strong recommendations made by the Secretaries of War? Are they interested in any real estate scheme? How do you account for the recommendation of President McKinley?

Mr. MANN. I have never had my attention called to any report of any Secretary of War or the President in favor of the plan such as is proposed by this amendment. Bridges may be necessary across the Potomac to connect Washington with Arlington. Additional bridges may be wanted, but no one has proposed, so far as I know, the construction of this expensive, purely fancy memorial bridge. If the Government wishes to build a bridge across to Arlington, that is an entirely different proposition. This proposition is to construct a bridge at great cost—first, for the benefit of the property on this side of the river, and second, for the benefit of the property on the other side of the river, to be followed by a road leading down to Mount Vernon, in Virginia, and perhaps farther, for the benefit of property all along the line in Virginia. I protest against this extravagance.

Mr. GROSVENOR. Mr. Speaker, I am delighted to know that my friend who has just taken his seat can always discover a real estate speculation in any project before the House. I think he voted the other day for a scheme that involves \$500,000,000—

Mr. MANN. It did not require a discoverer to discover this.

Mr. GROSVENOR. It does not require a discoverer to find \$500,000,000 in the real estate speculation in which a large number of trans-continental railroads are interested, for which the gentleman voted a few days ago on the subject of the irrigation of arid lands.

Let us see whether the gentleman has studied the history of this affair. I can only refer to the President's message sent to Congress in 1899 by one William McKinley. After pointing out that it is to be a memorial bridge, a memorial to American patriotism, he states:

The designs are now being prepared, and as soon as completed will be submitted to Congress by the Secretary of War.

The identical proposition here now—

The proposed bridge would be a convenience to all the people from every part of the country who visit the national cemetery, an ornament to the capital of the nation, and forever stand as a monument to American patriotism.

That is what William McKinley said. I have in my hand—

Mr. MANN. If the plans had been prepared, why does the bill provide \$100,000 for preparing them?

Mr. GROSVENOR. So as not to be bound by any particular plan.

Now, the recommendation was first made by Secretary Lamont, of the War Department, in 1893; repeated by him in 1894, repeated by him in 1895, urged strongly by Secretary Alger in 1898, and then by Secretary Root in 1899, and then by the message of the President of the United States.

So this is not a new project, but has been recommended and indorsed by all the Secretaries of War since the project took any kind of shape, both in Democratic and Republican Administrations. I now yield five minutes to my colleague.

Mr. WARNOCK. Mr. Speaker, there can be no question, I think, but that some kind of a bridge for travel and traffic connecting Washington with Arlington is necessary. The number of years that this matter has been agitated shows the importance that has been given to this subject by our Secretaries of War and by the different branches of Congress. Lately this has taken a patriotic turn. For many years it was simply under the shape of mere business, and now the President of the United States has recommended that a bridge be built which shall be a memorial to the patriotism and valor of those who have died in defense of their country.

Some gentleman on the other side asked the question if the city of Washington would not get the benefit of this provision. Certainly it would; and the city of Washington, as the capital of the country, has received the benefit not only of this proposed measure, but it has received the benefit of the magnificent Washington Monument, erected to the memory of Washington, the soldier, the statesman, and the patriot. It has received the benefit of the monument to Lincoln; it has received the benefit of the monuments erected to Garfield, and Hancock, and Thomas, and Sherman, and McPherson, and Rawlins, and Farragut, and Logan, and all the other beautiful monuments that dot this city, but among all these monuments there is not one in this city to commemorate the services of the men who carried a musket. It is no argument to say that such a monument as this would inure to the benefit of the citizens of the city of Washington. It inures to the benefit of the whole country.

And what is it to commemorate? To commemorate the valor of more than half a million men who died or were mortally wounded upon the battlefield—to commemorate the valor of more than a million men who were permanently disabled during that conflict.

And I am very glad to see that this proposition is advocated by a member on the other side; a gentleman who, while not of the political faith of this side, believes that it is due to the memory of these men that such a memorial should be erected.

I was very much impressed a few years ago when I made a visit to the South, visiting all the battlefields and the scenes where I had campaigned. It was in 1885, and at a little railroad station where I alighted I was met by 12 or 15 old Confederate soldiers, and the first thing that they asked as I alighted from the train was: "Is there any news from General Grant?" It was during his last, fatal illness. I told them the latest news that the newspapers had published, and was the center of a company for an hour, discussing the condition of General Grant and the country; and to my great amazement, each and every one of those old Confederate soldiers evinced as much anxiety for the recovery of General Grant and as much sympathy as I had manifested. And one of them said with a tear in his eye, "I was one of those men who, at Appomattox, rode away on my horse when General Grant said 'They will need their horses and their mules for their spring plowing.'" General Grant was never greater than when he uttered those words, unless it was a few weeks afterwards when, at Mount McGregor, while suffering from his last illness, he sent out from that sick room the message to the country, "Let us have peace." [Applause.]

And when, some years after, William McKinley became President of the United States he inaugurated and carried on an administration of such broad-minded statesmanship and patriotism that when the hour of trouble came the whole country, North and South, rallied to the defense of the flag. One of the most remarkable illustrations of the changed conditions in this country and of the patriotism that has taken the place of the hostility that once ruled the hearts of those who fought against the flag was witnessed at the second inauguration of President McKinley, March 4, 1901, when Gen. Joe Wheeler, the ex-Confederate cavalry leader, dressed in the uniform of a major-general of the United States Army, rode at the head of one of the divisions in the inaugural parade. Truly, "these are days of rusted swords and shields, of loosened helmets and broken spears." These are days of fraternity. And what more fitting time to commemorate that fraternity than now, while some of the veterans of the great civil war are still alive? What more fitting place than here at the national capital? What more fitting way than by connecting that capital with the State of Virginia and the home of the greatest soldier of the Confederacy?

And now, as the Grand Army of the Republic will hold its national encampment in the city of Washington next October for perhaps the last time, let the appropriation be made, so that the cornerstone of the foundations may be laid and the enterprise dedicated in the presence of these gray-haired veterans. Let the bridge be built as an everlasting memorial to the men who preserved the nation and as an incentive to the highest patriotism and the loftiest devotion to our country's cause.

It is said that in one of the art galleries of France there is an equestrian statue of one of the field marshals. He is represented with a wooden foot in one stirrup, an empty sleeve across his breast, with a patch over one eye to conceal its loss, and with this inscription underneath: "He has scattered his limbs and his blood on a hundred battlefields. His mode of warfare was such that he has nothing left sound but his heart."

That picture is one of the noted pictures of France, and inspires the Frenchmen to the most patriotic effort. So let us construct a bridge connecting the capital with the national cemetery, where 16,000 Union soldiers lie buried, which shall ever inspire us and those who come after us to emulate their great deeds, and to lift us up to the conception of the great principles for which they died.

Mr. CANNON. I hope the gentleman from Ohio [Mr. GROSVENOR] will now use up his time. I am entitled to close, and after I have submitted a few broken remarks I shall be ready for the vote.

Mr. GROSVENOR. How much time, Mr. Speaker, have I remaining?

The SPEAKER pro tempore. Five minutes.

Mr. GROSVENOR. After reading a letter from the Secretary of War to the Speaker of this House, I will yield the remainder of my time to the gentleman from Mississippi [Mr. HOOKER]. The letter is as follows:

WAR DEPARTMENT, Washington, April 16, 1902.

SIR: I beg leave to transmit to you herewith a letter from Mr. Thomas S. Hopkins, chairman of the committee on memorial bridge of the Grand Army of the Republic, urging that the corner stone of the proposed memorial bridge to connect the capital city with the heights of Arlington should be laid during the encampment of the Grand Army of the Republic, during the week beginning October 6, 1902. The suggestion is so appropriate, and it seems to me so desirable that the proposed memorial to the enlisted men of the civil war should be begun under the auspices of the survivors of that great struggle, that I have caused to be prepared and transmit herewith also a memorandum showing the history and present condition of the bridge

project; and I venture to express the hope that the request of the Grand Army of the Republic may receive favorable consideration from Congress.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

I now yield the remainder of my time to the gentleman from Mississippi.

The SPEAKER pro tempore. The gentleman has four minutes.

Mr. HOOKER. Mr. Speaker, I regret that I have so short a time in which to speak upon this measure. This subject has been in agitation for a great many years. The inadequacy of the communication between the capital of the nation and the territory which lies adjacent to it has been apparent for many long years. My friend Gen. Eppa Hunton projected for a long time a bridge across the river above the Aqueduct Bridge at a point known as the Three Sisters, there being there three islands, which would furnish opportunity for the structure of the middle pier. A great many other projects have been proposed.

We certainly ought to utilize this great river which comes flowing down from the mountains of Virginia and should make use of it for the ornamentation of the capital in some way or another. All the nations of the world having great streams flowing by their capitals have felt proud to utilize them in this way. In London, where the Thames flows through the heart of the city, they constructed the great London Bridge and the Westminster Bridge. Since that time—in more modern periods—they have built the Victoria Bridge, costing over £2,000,000, and the Albert Bridge, costing about the same, and a great many others. To-day the great ornamentation of the vast city of London is to be found in the magnificent structures which span that greatest stream of commerce, not only in Great Britain, but in the world.

Here we have across this adjacent river—the Potomac—only a structure which is an eyesore to everybody who looks at it. I mean the Long Bridge—a structure which serves simply as a dam and which ought to be done away with. The railroads that own it and control it and utilize it by virtue of grants of Congress ought to be required to raise it so that no drawbridge will be required. There should be long approaches on either side; and they ought to take away that dam, which oftentimes blocks up the waters of the Potomac until your streets leading from this Capitol to the White House are overflowed. I have passed over them when the water would strike the axles of the carriage in which I was riding. That bridge ought to be done away with, and this bridge ought to be built, on scientific principles, on principles of architectural beauty and power combined, that shall make it an ornament of the city, and shall span that beautiful stream which in every way ought to be ornamented, not only in the interests of the capital, for the capital has no interest which is not the country's interest, but in the interests of the people of the whole country; and I hope to see the time, Mr. Chairman, when the State of Virginia, animated by a proper spirit, will cede back, retrocede to the United States, the land originally ceded by the State of Virginia to make the 10 miles district square in which the capital of the nation was to be.

The Seine River, in France, which flows by that most beautiful city, has been spanned by innumerable bridges, which knit together all parts of the city. In their last years' exposition the beautiful bridge spanning the Seine was regarded as the greatest and most beautiful part of that wondrous exposition.

Let us imitate the example of these great cities of the Old World and utilize our own beautiful Potomac, which flows by the doors of the grandest capital of the world, and build this memorial bridge "in memoriam" to the brave soldiers on both sides of our civil strife, which developed on both sides the grandest military genius which has marked any epoch in the history of the world.

Mr. CANNON. Mr. Speaker, if the committee will bear with me for a very brief space of time I will ask for a vote. Sentiment is magnificent and splendid, but sentiment has one danger, and that is that it is seized upon to promote improvements and appropriations that ought not to be made, with or without sentiment. I came to Washington twenty-nine years ago, at the commencement of Grant's second term. The papers were then as full of memorial bridge as they are now. There was quite as much talk about it, and from that time to this there has been a regular round robin. I do not blame my friend from Virginia [Mr. RIXEY] for wanting this bridge built. Why, it is just across the Potomac. I expect if I were situated as he is that I would be for it, too. I do not blame the people of Washington for wanting this bridge built, whether it is necessary or not. I expect if this was my home and my interests were here that I should want it, but it is a very small portion of the 80,000,000 people who would be directly benefited by this bridge.

Now, then, the public service, in my opinion, does not demand it. What is the fact? We have an Aqueduct Bridge over here at Georgetown. That leads from Georgetown, this side of the Dis-

trict, over to Arlington. That bridge is now being rebuilt. We have just spent more than \$100,000 in repairing it, and in the District bill as returned to us by the Senate, there are sixty-odd thousand dollars more for other repairs. It is to be enlarged, strengthened—practically rebuilt. In the meantime it is being occupied. More than that, the legislation was enacted a year ago to build a highway bridge from within about 2,000 feet of the Monument across to Virginia, at an expense of between five and six hundred thousand dollars. It is not built yet, but the District bill, which I hold in my hand, extends the time two years, by a Senate amendment, to construct that bridge, and increases the cost to a million. Now, that bridge ought to be built; it is a practical measure; it will be built; it is already authorized by law. In my judgment the location ought to be changed to about Seventeenth street on this side, and to land on the other side at Arlington, and it can be built for less money in that way.

Mr. RIXEY. Mr. Speaker, I understand that that bridge is simply to take the place of the Long Bridge, which is now in existence.

Mr. CANNON. Oh, no; the railroad has nothing to do with it. The railroad builds its own bridge.

Mr. RIXEY. I understand; but there is a bridge now for highway travel over that bridge.

Mr. CANNON. Oh, it is a joint bridge.

Mr. RIXEY. This bridge simply takes the place of that highway bridge.

Mr. CANNON. Precisely; and so far as I am now advised, and so far as I am concerned, when the limit is enlarged to a million of dollars I am one member who will insist on its being moved up to Seventeenth street on this side and Arlington on the other. It is not a memorial bridge, but a bridge that is needed. Well, now, when we get that which is already authorized we will have gotten all that is needed.

Mr. RIXEY. I dislike to interrupt the gentleman again. I might agree with his proposition to remove the Long Bridge to Arlington, except for one thing, the present Long Bridge, the highway part of it, accommodates many thousands of people upon the other side. Enterprises have grown up there, and if you take away the highway bridge from its present location and move it to Arlington, those people have no way of getting into the city. It would involve much inconvenience and much loss.

Mr. CANNON. Oh, it is not a very great move; but then I am not discussing that. That will take care of itself. The Aqueduct Bridge at Georgetown being rebuilt, and now occupied, this highway bridge already authorized, and proposing to increase its cost to a million, will make quite all the bridges that we need.

Now, what is the proposition? The highway bridge, half and half. The Aqueduct Bridge that is being rebuilt, half by the District and half by the United States; this memorial bridge, all by the United States. To cost how much? Two millions and a half; to be built between the highway bridge and the Aqueduct Bridge. Well, now, that two million and a half will not cover the cost. The plans already made run from five to seventeen million dollars, and in the name of the flag and an appropriation, with the surrounding of sentiment, the Father only knows what it will cost before it is done if we commence. Now, there are other things that the District of Columbia needs worse. It needs more water and better water. It needs more sewerage and better sewerage. We have already authorized a municipal building that will cost, when it is done, over \$2,000,000, although the limitation is under that. There are lots of things that need doing here. We need to reclaim the Eastern Branch far more than we do to have this bridge, in order to keep the people up there from shaking to death with the chills and fever. There are a hundred things that the plain people, the multitude, the hundreds of thousands that are in Washington, and that come and go, need far more than they need this memorial bridge. You can not do all these things at once.

Now, if I thought there was any danger of the House voting to concur with the Senate in this appropriation, I would move an amendment making it half and half, half to be paid out of the District revenues and half out of the United States Treasury. But I hope and believe that the good sense and good judgment of the House will be against the proposition, at least at this time, and I am inclined to think for all time. We have memorials on the battlefield at appropriate places. Why, you could build a balloon as a memorial. You can build anything and call it "in memory of." Now, the gentleman from Ohio [Mr. GROSVENOR] read a letter from the commander in chief of the Grand Army of the Republic. I have great respect for him. I do not know who asked him to write it, but if I had the power to call up every soldier of the Union and Confederate armies and they would listen to a plain statement of the facts, if I did not have nine out ten against this proposition I would miss my guess.

The Secretary of War has recommended it, yes. Well, now, public officials recommend a great many things which we do not

do. That is their business—to recommend. It is our business to breathe the breath of life into legislative propositions and make them living things. Our function is entirely separate from that of the Executive, and this recommendation does not meet my approval as one member of the House. Therefore, I will ask a vote, and trust that the motion of the gentleman from Ohio [Mr. GROSVENOR] to concur in the Senate amendment will be voted down.

The SPEAKER. The gentleman from Ohio moves that the House recede from its disagreement to amendment No. 160 and concur in the same.

The motion was rejected.

The SPEAKER. The question now is on agreeing to the conference asked for by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. CANNON, Mr. HEMENWAY, and Mr. McRAE.

PHILIPPINE GOVERNMENT.

The SPEAKER. Now, in pursuance to the order, the House will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, and the gentleman from Massachusetts [Mr. GILLET] will take the chair.

[Mr. ADAMS addressed the committee. See Appendix.]

Mr. REEVES. Mr. Chairman, I am in sympathy with the Administration in its policy pertaining to the Philippine Islands. I am in favor of the indefinite retention by this Government of the Philippine Islands. By indefinite retention I mean simply retention until such time, if such time shall ever come, when the changed condition in the affairs of the world, and particularly in the Philippine Islands, shall make it appear to be for the best interests of the people of the United States and of the people of the Philippine Islands that a separate and independent government should be established for them.

I will join heart and hand with the most ardent lover of liberty, but it must be that liberty which redounds to the peace, comfort, prosperity, and happiness of the whole people, and not in that misconception of liberty which gives unbridled license to the few to practically enslave the many, either in the name of home rule or in the sacred name of liberty itself. If our occupation and sovereignty in the Philippine Islands is not beneficial to the Philippine people, then we should speedily retire from the islands. If our occupation and sovereignty in the Philippine Islands works an injury to the people of the United States, then as speedily as can be done with honor to ourselves as a nation we should surrender the sovereignty and retire from the islands. If, on the other hand, our occupation and sovereignty of the Philippine Islands is a benefit at once to the people of these islands and to the people of the United States, then clearly we should retain the possession and sovereignty of these islands.

The inhabitants of the Philippine Islands now and for a long time have been divided into about eighty tribes. They range in their condition of intellectual development all the way from the lowest and most barbarous species of mankind to a high order of intellectual enlightenment. Of the latter class there are relatively few. By far the greater number are in that lower stage of intellectual development. Of the more enlightened tribes it has been estimated that not to exceed one-tenth of them can read or write. Of the tribes in the lower stage of intellectual development, scarcely any of them can read or write.

Of all of these tribes the Tagalog is the most warlike and perhaps the most intelligent. At the close of our war with Spain there was an armed force of Filipinos. This armed force consisted mainly, if not wholly, of the people of the Tagalog tribe. Aguinaldo was the chief or president. They had in name at least a congress. Under these conditions it will not be denied that whatever of government there would have been established in the Philippine Islands, if we had yielded our sovereignty, would have been under the leadership of Aguinaldo and his government. In determining whether our occupation of these islands and the maintenance of our sovereignty there are of advantage or disadvantage, a blessing or a curse, to the people of the Philippine Islands, we must take into account what this government of Aguinaldo would have been if we had come away.

We must take cognizance of known facts concerning Aguinaldo and his government. The Filipinos under the leadership of Aguinaldo and a few others had been in insurrection against the Spanish Government. Rebellion had followed rebellion, insurrection had followed insurrection for many years, until the islands were in a chronic state of war. In this condition of affairs Aguinaldo accepted a sum of money from the Spanish Government, said to be \$400,000, and left the Philippine Islands,

going to Hongkong, China. The claim was made for him afterwards that he accepted this money for the purpose of using it in aid of the Philippine insurrection. This is the excuse or apology that has been offered in palliation of his acceptance of this bribe.

I do not believe that his environment at that time and his conduct afterwards justify the claim; but if this claim is admitted, it showed him to be capable of entering into a bargain for a money consideration with the Spanish Government to leave the islands and desist from further rebellion against the authority of Spain, with a full purpose then present in his heart of violating that agreement, treacherously obtaining the money and using it to further the cause which he was agreeing to abandon. While I do not believe that the facts, circumstances, and surroundings in which he was then placed justify the belief that he was prompted by any patriotic motives, however misconceived they were in point of honor, yet in either event it shows the character of the man unmistakably.

After remaining for a time at Hongkong he started to Europe, stopping on his way at Singapore. There he met an Englishman by the name of Bray, who had lived for thirty years at Manila, and with whom Aguinaldo was well acquainted. It has been published, and I think reliably so, that this Englishman advised him that he should return to the Philippine Islands; that in the scenes then being enacted in the world it was quite within the range of possibilities that an empire could be formed in the Philippine Islands and that he, Aguinaldo, could become Emperor. Heeding this advice, he returned to Hongkong and gained permission to return to Manila on one of Dewey's ships.

Again he joined the forces of the Filipino insurgents. Then it was that the claim was put forth in his behalf that he had accepted this sum of Spanish gold as a means of furthering the cause of the independence of the Filipinos. His course from that time on is current and familiar history. He became the head of the insurrection and of the so-called Philippine government. By whatsoever title he was called, no one will deny that he was in fact dictator. The so-called Philippine congress was but his subservient instrument to register his decrees. He was, in fact, the supreme dictator in a small oligarchy, which held, as in the hollow of their hands, the destinies of the Philippine people.

If, after our treaty with Spain had been entered into, we had yielded the sovereignty of these islands and withdrawn our forces from them, if no other nation had intervened, then whatever of government would have been established in the Philippine Islands would have been under the absolute control and dictatorship of Aguinaldo. It would have been a government of the approximately 80 tribes constituting the people of the Philippine Islands by the Tagalog tribe, and the government of the Tagalog tribe by Aguinaldo in fact.

Where, in this broad land of ours, is there to be found the intelligent lover of liberty—the man who grasps to its full extent the meaning of liberty, the humanitarian, the lover of peace, the man imbued with the Christian sense of charity, the man desiring and laboring for the upbuilding of mankind—who believes that such a government, formed under such environments, would have been for the best interests of the people of the Philippine Islands? Instead of liberty, despotism would have reigned. The wheels of progress would not have turned. The barbarous tribes of the islands would have remained barbarous. The civilizing and enlightening influences of the world would have been shut out, and the advance of Christian civilization and intellectual development of the world would have been retarded until, in the evolution of conditions in the world, these people had been rescued from their state and condition by some more enlightened nation of the world.

If the people of the United States organize and establish a government in the Philippine Islands, what will be the character of that government? What kind of a government is it possible for the people of the United States to establish anywhere? Whatever knowledge from a scholastic standpoint the people of the United States may have in the various forms of government of the earth, yet so imbued with the republican form of government are we that it would be impossible for us to establish any other form of government anywhere under any circumstances. It matters not what political party of the United States may for the time being be in the ascendancy, whether the Administration be Republican or Democratic, the duty devolving upon the Administration to form a government in the Philippine Islands can result in nothing but a republican form of government.

So thoroughly are the people of the United States imbued with the principles of a republic that we could no more establish any other form of government elsewhere over any territory of which we may become possessed than we could tolerate any other form of government here. Almost immediately and before the insurrection in the Philippine Islands is entirely subdued, in our provisional government and in the government proposed by this bill, the forms of an embryo republic were being observed. Order

was restored, sanitary conditions improved, protection of life and property observed; the habits, wishes, characteristics, and conditions of the people taken into account and as far as possible respected; the weak protected against the strong, executive officers selected from among the people, proper systems corresponding to our own in collecting revenues adopted, governmental functions economically administered, systems of education devised and fostered; schoolhouses built, teachers employed, the rights of individuals taught and protected; religious freedom respected and protected, the spirit of a just and true liberty inculcated, and the inalienable rights of life, liberty, the enjoyment of property, and the pursuit of happiness taught, fostered, and protected everywhere. When in the treaty of Paris the United States refused to turn back to the control of Spain the Philippine Islands, we showed our sense of duty, obligation to, and protection of these people.

When we paid Spain \$20,000,000 for these islands, we showed our appreciation of the rights of the Spanish people. We recognized the value of public improvements in these islands made by the Spanish people. We proclaimed to the world our sense of justice and showed ourselves capable of being just and fair to a vanquished foe. When the more intelligent portion of the Philippine people saw that we at once protected them from the malignant influences of Spanish dominion, protected them from the tyranny of the Spanish Government and yet dealt justly and fairly and honorably with a people whose power we had overthrown, and who were in no position to be other than suppliants at our feet, these more intelligent Filipinos saw at once not only that they could trust the people of the United States, but that their best interests were to be subserved by not only submitting to, but in gladly accepting the sovereignty of the United States and a government established by our people. They beheld a new conception of liberty—a new conception of government.

The less intelligent portion of the Filipino people could not understand it. When our Army took prisoners the armed Filipino insurgents, they expected death. When their wounds were dressed, their sickness cured—when they were fed and clothed, and their liberty restored—they did not understand it. They had no real, true appreciation or understanding of the American conception of liberty and justice. They could not attribute it to a sense of honor and justice. They interpreted it to be the result of a fear. At first a fear of the Filipinos themselves, and it made them arrogant, bold, and cruel toward the American soldiers. When it became necessary to make them feel the strong arm of the American Army, and a campaign was organized that routed them at every turn, they changed their opinion of the Americans.

They no longer thought the American soldiers to be in fear of the Filipinos, yet they could not and did not grasp the idea of the spirit of the liberty and justice of the American people. They concluded that we were afraid of somebody or something, they knew not whom or what. They admitted the bravery of the American Army, but they did not comprehend the spirit of the government to be established. But more recently they are coming to catch the spirit of fair play, of justice, of humanity, of kindness, of helpfulness that the American policy in the Philippine Islands is slowly but surely teaching them. Nearly all of the real leaders of the Filipino people have accepted American sovereignty. Overcome by the sense of good that is to follow and is following in the wake of American influences, they are advising their people that it is for their own best good to accept American sovereignty, American policies, and American ideas of justice and liberty.

Does any man doubt that in a government of the Philippine Islands, established and maintained by the United States, that the people will be protected in their lives, their liberty, their property, and their religious freedom? Does anyone doubt that the schoolmaster is already there, and that more of them will go, and that education will become general and in time universal; that civilization will advance and that a new and higher conception of morality, justice, and liberty will be taught these people? Does anyone doubt that in any government established by the people of the United States that education of these people will be fostered; that the revenues of these islands will be honestly and properly collected, and that they will be expended in the interests of and for the benefit of the people of these islands?

Does anyone doubt that the affairs of government will be economically administered, and that as fast as prudence will permit, good sense suggest, and reasonable care allow, that the people of these islands will administer the affairs of their own government; that, in truth and in fact, this government will be a republic, notwithstanding the fact that the sovereignty of these people will be held and maintained by the people of the United States? That fact will redound to their own protection. Every administrative feature of the government will in time be administered by their own people, by officers selected by themselves, held responsible

by the strong arm of the American Republic for a just, an honest, an economical, and a prudent administration of public affairs in the interests of the people themselves. In establishing a government such as I have predicted are we doing violence and wrong to a people whose condition was such that if we had not done this a government by Aguinaldo, in the manner that I have suggested, would have been established? Any hysterical plea, falsely made in the name of liberty, shall not prevent this Republic from giving to the people of the Philippine Islands a real liberty, a government established in the interests of justice and humanity instead of one of tyranny in fact, yet constructed in the name of liberty by Aguinaldo and his followers.

In considering this question from the standpoint of the American citizen, numerous factors and conditions must be taken into account. Simply to say that war is expensive or that it costs us much to carry on war, and stop at this, is to fail utterly in a proper consideration of the question. To consider the question first from a commercial standpoint, let us take into consideration some existing facts and figures.

In 1890 the people of the United States consumed 6.09 bushels of wheat per capita. In 1894 these same people consumed 3.44 bushels of wheat per capita, or an underconsumption of wheat for 1894 as compared with 1890 of 2.65 bushels per capita. The population in 1894, estimated at something over 67,000,000 of people, shows an underconsumption of wheat for 1894 as compared with 1890 of more than 175,000,000 bushels.

In 1890 the consumption of corn in the United States was 32.09 bushels per capita. In 1894 the consumption of corn was 22.96 bushels per capita, or an underconsumption for 1894 as compared with 1890 of 9.13 bushels per capita. Again estimating the population at something over 67,000,000 of people, the underconsumption of corn for the year 1894 as compared with the year 1890 was over 600,000,000 bushels. In 1895 the consumption of corn in the United States was only 17.18 bushels per capita, an underconsumption as compared with 1890 of 14.91 bushels per capita, making a total underconsumption of corn for the year 1895 as compared with the year 1890 of over 1,000,000,000 bushels in the United States. The great depression in business from 1893 to 1897 as it bore upon the farming industry of our country can at least be partially measured by these figures. The idleness of manufacturing institutions, the inactivity of the railroads, the shutting down of the coal mines, in short, the idle condition of labor and the low wages paid to labor, contributed to this great underconsumption of food products and in a large measure destroyed the home market for the farm, thus emphasizing most vividly the necessity of extended markets for the farm.

I desire to call attention to a few comprehensive figures, indicating the condition of our country, from which conclusions of the greatest importance to the people of the United States may be drawn. In 1890 there were 239 cotton factories in the South, operating 1,554,000 spindles, representing a capital investment of about \$54,000,000. In 1900 there were 395 cotton factories in the South, operating 4,233,000 spindles and representing a capital investment of \$123,000,000. The value of the product of these factories in 1890 was estimated at \$42,000,000; in 1900 at \$94,000,000. The number of wage-earners in these factories in 1890 was 37,000, who received in wages about \$8,000,000. In 1900 the number of wage-earners in these factories was about 96,000, and they received in wages something over \$17,000,000.

In 1890 the value of the products of the manufacturing and mechanical industries of all kinds in the United States was placed at \$4,603,000,000, while in 1900 it is placed at \$6,118,000,000, or an increase during the decade of \$1,515,000,000, or about 33 per cent. The amount of capital invested in these manufacturing industries in 1890 was \$3,782,000,000, while in 1900 it was \$5,435,000,000, or an increase of capital invested in manufacturing during the decade of \$1,653,000,000, or nearly 44 per cent. In 1890 the average number of wage-earners employed in manufacturing industries of the United States was 1,924,000, and their wages amounted to \$786,000,000, while in 1900 the number of wage-earners was 2,307,000, and their wages amounted to \$973,000,000.

In 1890, according to the census returns, the total value of the agricultural products of the United States amounted to \$4,739,000,000. On June 1, 1900, the total value of farm property, embracing land improvements, buildings, implements, and machinery and live stock, amounted to \$20,514,000,000. The value of land improvements was \$13,115,000,000; that of the buildings, \$3,560,000,000; that of the implements and machinery, \$761,000,000, and that of the live stock \$3,078,000,000, while in 1890 the total value of farm property comprised in these four items amounted to \$15,982,000,000. The value of farm products for the year 1889, as shown by the census of 1890, is \$2,460,000,000, but it is generally conceded that this estimate is much too low, and accordingly no fair figures exist upon which to make comparison for the years 1889 and 1899 of the total value of farm products in the United States.

We exported for the fiscal year ending June 30, 1901, products to the total value of \$1,460,462,806, of which amount \$951,628,331 was agricultural products. The remainder of \$508,834,475 was the product of the factory, of the mine, of the forest, and of the fisheries. The annual average of total exports for five years from 1895 to 1899, inclusive, for the United States is \$1,136,000,000, of which \$752,000,000 is agricultural products. For the same period exports from the United Kingdom were \$1,166,000,000, of which \$78,000,000 was agricultural products; Germany \$878,000,000, of which the agricultural products was \$181,000,000; France \$696,000,000, of which \$258,000,000 was agricultural products; the Netherlands \$567,000,000, of which \$263,000,000 was agricultural products; Russia \$349,000,000, of which \$295,000,000 was agricultural products; Austria-Hungary \$326,000,000, of which \$131,000,000 was agricultural products; Australasia \$361,000,000, of which \$213,000,000 was agricultural products; Italy \$224,000,000, of which \$131,000,000 was agricultural products.

The total imports into the United States for the year ending June 30, 1901, was \$823,000,000, of which \$392,000,000 was agricultural products, \$314,000,000 manufactured products, and the balance from the forests, mines, and fisheries.

I desire also to invite attention to a few additional facts and figures pertaining to the cotton industry of the United States. For the year ending June 30, 1890, we exported to Asia 841,959 pounds of raw cotton, valued at \$85,211. For the year ending June 30, 1900, we exported to the same place 168,009,168 pounds of raw cotton, valued at \$13,228,269. Of cotton manufactures we exported to Asia for the year 1890 products valued at \$1,730,610, and for the year ending June 30, 1900, the same products to the value of \$11,064,629, and to Oceania for the year ending June 30, 1890, products valued at \$551,006, and for the year ending June 30, 1900, the same products valued at \$1,297,693, or a total value of manufactured cotton goods in 1890 to Asia and Oceania of \$2,281,616, and of the same products for the year ending June 30, 1900, \$12,362,322, or, stated differently, for the year ending June 30, 1890, raw cotton and manufactured cotton to Asia and Oceania to the value of \$2,366,837, and for the year ending June 30, 1900, \$25,590,591, or an increase of nearly 1,000 per cent.

Notwithstanding the development of our country, and the volume of business being done as partially indicated by these figures, we can not draw safe conclusions without taking into account our possibilities of continuing this development. Iron and coal are the essential bases for much of our manufacturing. Of coal England has left only 12,000 square miles, Germany about 2,000 square miles, the United States over 200,000 square miles. In the year 1900, according to the Geological Survey, the United States produced 241,000,000 long tons of coal, Great Britain 225,000,000 long tons, and Germany 147,000,000 long tons. The total production for the world in 1900 was estimated at 754,000,000 long tons. The export of coal from the United States for the year ending June 30, 1901, was 7,675,549 long tons, with a value of \$23,317,496. The United Kingdom exported during the calendar year 1900 44,089,000 long tons, valued at \$177,187,000, and Germany, during the same calendar year, exported 15,086,000 long tons, valued at \$51,732,000.

England and Germany, looking to their future interests, are to-day discouraging the exporting of coal. The United States may reasonably anticipate in the comparatively near future an increased export of coal worth from \$100,000,000 to \$150,000,000 annually. In the calendar year 1900 the United States produced 27,553,000 long tons of iron ore, while Great Britain produced in the same year 14,028,000 long tons and Germany 18,665,000 long tons. During the fiscal year 1901 the United States exported iron and steel to the value of \$32,160,750 and manufactures of iron and steel to the value of \$85,158,570. In the calendar year 1900 the United Kingdom exported iron and steel to the value of \$122,160,000 and manufactures of iron and steel to the value of \$183,421,000, while Germany exported iron and steel to the value of \$38,313,000 and manufactures of iron and steel to the value of \$135,546,000.

Taking all of our productions of all kinds into consideration, we have been increasing in production faster than England, Germany, and France combined, and are to-day moving forward in that comparative rate. Mulhall, the great English statistician, estimates the average value of the production of the European workman, averaging all of Europe, at about \$450 per capita. In 1890 the average value of the American workman in all of the manufacturing and industrial arts was but a trifle under \$2,400, while in 1900 the average value of the production of these American workmen was a little more than \$2,650. The increase in agricultural products for the year 1900 can fairly be stated to be \$750,000,000 in value in excess of the value of the farm products for 1890. These figures, however, on the increase in the farm products are but an approximation, the data not being at hand for exactness. In manufacturing institutions the number of wage-earners has increased from 1890 to 1900 about 20 per cent;

the volume of capital invested has increased about 44 per cent, and the value of the product has increased about 33 per cent.

As I have already stated, the total value of our imports for the year ending June 30, 1901, is \$823,000,000, while the total value of our exports is \$1,460,000,000, the excess of exports over imports being \$637,000,000.

While we are increasing in our production faster than any other nation in the world, yet we are not the only nation that is increasing in its production. The principal European countries are developing and increasing their production, and are having more of the product of labor and capital to put upon the markets of the world year by year. What is to become of this surplus product of the more highly enlightened nations of the earth? Conditions in the world point unerringly to Asia as the future great market place for the surplus products of the more enlightened nations of the world. Less than twenty years ago the total value of imports into Japan did not exceed 50 cents per capita of her population.

The doors of Japan were opened to the influences of Western civilization, and one of the direct results has been that Japan is to-day importing into her country about \$6 in value per capita of her population. If the same influences that produced this result in Japan will produce a similar result in China, then there will be opened in China in the comparatively near future an annual market of \$2,500,000,000 for the surplus products of the more greatly developed and progressive countries of the world. European statesmen are recognizing and taking cognizance of this condition of affairs. England, France, Germany, Russia, and Italy have been forcing an entry into China. They have entered different portions of China, and, having acquired some species of settlements or possession of some port, have at once laid claim to a portion of China which they have denominated their sphere of interests or their sphere of influence. What do these countries, or any of them, want with a sphere of influence in China? What is the nature of the influence or interest that these different countries claim in China, and what is its significance?

Recognizing Asia as the future market place of the world, they have been trying to establish some species of rights in some portion of China, which means simply that they are trying to control the markets of a portion of China for the benefit of the people of their respective countries. England, with her extensive manufacturing interests, contended for the open-door policy. Russia was undoubtedly the strongest opponent of that policy. She has been England's rival in the East, and having in mind the future of her own people, was an opponent of the open-door policy of trade. France, allied with Russia offensively and defensively, and having a portion of China in which her influence was to be supreme, or, in other words, in which she was to control the markets, acquiesced in Russia's policy.

Germany, having her sphere of influence, was at least passive, and offered no obstacle to the policy of Russia. Italy, too, was having her sphere of influence, and was therefore passive in the struggle. It is a well-known fact that in 1898, while England had not abandoned the open-door policy, she had nevertheless practically ceased opposition to the more aggressive policy of Russia, and the commercial division and partition of China was well-nigh an accomplished fact. While Russia, and Germany, and France, and Italy, and England were each having their sphere of influence in China the United States and her people were being ignored, and the great benefit of this great future market was being taken from her.

At that moment a crisis in the affairs of the world developed; an effete monarchy of Europe, holding possession of Cuba by right of discovery, had so misgoverned and mismanaged the affairs of those people, had so oppressed and robbed them, that the people of the United States, practically as one man, rose up and demanded that we should drive Spain from this continent and put an end to the miseries of Cuba. We declared war upon Spain. All of us expected the scene of war to be in Cuba, but we had an old fifth-grade squadron of the American fleet stationed in Asiatic waters; Spain had a squadron or a fleet in Manila Harbor. Our little squadron was in command of a valiant and intrepid sailor, and upon orders from President McKinley Dewey sailed into Manila Bay, and on that memorable 1st day of May destroyed the Spanish fleet and practically took by force of arms the sovereignty of the Philippine Islands from Spain. It was not a premeditated act to obtain the sovereignty of these islands. It was but an act of war to break down and destroy the forces of an enemy.

But notwithstanding want of premeditation on the part of the United States, we had supplanted Spain in her right to the Philippine Islands. We had conquered them from her. The treaty of peace followed, and the sovereignty of the Philippine Islands was formally ceded to the United States. This act gave this nation of ours, as viewed from the standpoint of international comity, no less than in fact, the right to a voice in affairs in the East. President McKinley, with unerring judgment, saw the advantage that was to come to the American people in the future by having

rights in the East which gave us the opportunity for a voice in affairs there. One by one our war ships were quietly sent to the Philippine Islands, until presently it came to pass that we were stronger in our fighting machinery in Asiatic waters than any other nation in the world.

Our little Navy had given two exhibitions of her prowess which were object lessons to the world. Then it was that President McKinley directed the Secretary of State to take up with the European nations the question of the open-door policy of trade in China. In September, 1899, our Secretary of State, Mr. Hay, communicated through our ambassadors with the Governments of Russia, Germany, France, England, and Italy, making known to these countries that we claimed a voice in the affairs of the East and insisted upon the open-door policy of trade in China. Communications passed back and forth diplomatically between the United States and each of these countries; one by one they saw the justice of the demands of the United States, and one by one they gave written and signed statements accepting and acquiescing in the open-door policy of trade for China, until finally, on March 20, 1900, our Secretary of State sent his notice to the Governments at London, Paris, Berlin, St. Petersburg, Rome, and Tokyo notifying each Government of the acceptance by the others of the open-door policy of trade.

England hailed this achievement, in the accomplishment of which she had failed, with delight, and the world recognized the greatest achievement of modern diplomacy. Thus was broken up the so-called spheres of influence of the different European countries in China; thus was prevented the commercial division and partition of China, and thus was preserved to the people of the United States an equal advantage and equal opportunity in this future great market for the world's products. This great benefit to the commercial interests of the people of the United States was made possible by the fact that we had possessions in the East and therefore had the right to a voice in this matter.

With our great surplus production in this country and its increasing development, where would we have found a market place for it in the future if we had not seized this opportunity and secured this open-door policy of trade in the Orient? If we fail for any reason in a market place, then our advancement in commercial development must cease. Already we have a large surplus in excess of our home demands. Whenever the day comes that our manufacturing institutions must suspend operations, then will the wage-earners become idle either all or a part of the time. When that day comes, then will there be great depression in business. When that day comes the home market for the farmer will be partially destroyed. Already we have a surplus of over \$900,000,000 in farm products. Let industrial depression come for want of a market for its output and down will go the price of farm products. In short, stagnation will be everywhere followed by inevitable suffering and distress of the people, and this wonderful development and progress that has come to our people and that has marked us as the most wonderful nation in the world will be a thing of the past. We must hold fast these opportunities with an iron hand, as we value the prosperity, the comfort, and the happiness of our own people.

But says some one: This commercial spirit is not patriotism; this desire for wealth and money making is beneath the dignity of a true patriot; that its influences are base and low. If this be true, then indeed has patriotism vanished from the world. For wherever civilization is greatest there in the most exalted degree is to be found the desire on the part of the whole people for this commercial activity and prosperity. Is it beneath the dignity and lofty patriotism of statesmen so to legislate and so to use the power and influence of a nation as that it will redound to the greatest good, to the greatest comfort, and the greatest happiness of their people?

Is it unpatriotic for the statesmen of the United States so to use the power of this great Government of ours as that the people of this country shall have equal opportunity and equal facilities for the full development of our country internally and an equal opportunity in the markets of the world for our surplus production? Patriotism is love of country, but love of country is love of the institutions of the country. The institutions of the country are inseparable from the policy of their management, and all are unworthy unless they conduce to the comfort, the happiness, and the prosperity of the people as a whole. Love of country not only implies love of her institutions, but love of that policy and management of her affairs that leads on to the prosperity and well-being of her people. A proper care for the financial prosperity of the people is one of the great elements of true patriotism and love of country. [Applause.]

I conclude, then, that we will give to the people of the Philippine Islands a better government than they are capable of giving themselves. We will protect the weak from the strong; we will establish a government that will administer justice, that will foster education, that will respect the religious faith of the people,

that will give them a real liberty and protect them in it until they can protect themselves. We will do them no wrong, but in all we do there shall be constantly before us the upbuilding and bettering of their condition. We will not make them slaves nor will we let them enslave themselves. We will not let them run to tyranny and anarchy, but we will give them liberty and order. We will not be afraid of ourselves, but will give them, as provided in this proposed legislation, a bill of rights containing every limit of safety to the liberties of the people that civilization has devised up to this day. [Applause.]

While doing this for the Filipino people we will protect the interests of the people of the United States. We will take advantage of the opportunities which the God of Nature seems to have given to our people. We will do our share in the upbuilding of the people of the world. We will live up to the full measure of responsibility that duty, honor, justice, and patriotism shall demand of us. And does anybody think this work will stop? We are moving in a channel the current of which is irresistible. History, or at least archaeology, justifies the belief that the white man first appeared in this world upon the eastern slopes of the Himalaya Mountains. He was then, as now, in disposition a traveler, a nomad. He climbed over the mountains and followed the setting sun, and when ages had passed the Roman Empire appeared.

When another great era had passed, the Roman Empire disappeared, and London, Liverpool, Berlin, and Paris became the great centers of commerce and human activity. And when another great era had passed this same white man crossed the Atlantic Ocean, and he builded cities upon the American continent and now has crossed the continent, carried his activity to the Pacific Ocean, and to-day, unconscious of it though we may be, we are in the midst of another great event. While we are here discussing what shall best be done for the people of the Philippine Islands, this same white man is just stepping across the Pacific Ocean and planting himself in eastern Asia, and it will be only a short time when he will have encircled the earth and be found again on the eastern slope of the Himalaya Mountains.

Wherever he has gone his civilization supersedes all others; the colored races of the world yield to him, and his civilization becomes their civilization. What has been the trouble in China in the last few years? We say it has been an uprising of the Boxers. But what does that signify? What does that mean? What was the real trouble in China? It was nothing more nor nothing less than the resistance of the old civilization of China against the advancing civilization of Europe and America. This younger, stronger, Christian civilization of Europe and America is knocking at the doors of China to-day, and the revolt that has been there is but the effort of resistance against the onward march of the Christian civilization of the world.

Will China successfully resist this civilization? Will it be stopped? That were impossible. Victor Hugo, writing of the battle of Waterloo, said, in substance, Wellington did not conquer Napoleon. That were impossible. It was the mighty hosts of the universe led on by the hand of an infinite God, for the change of front for the civilization of the nineteenth century. So say I to you to-day. The old civilization of China can not resist the younger, newer, stronger Christian civilization of Europe and America. It is the forces of the universe led on by the hand of an infinite God for the change of front for the civilization of the twentieth century. [Prolonged applause.] I am indebted to the Hon. Frank Hitchcock, Chief of the Bureau of Foreign Markets of the Department of Agriculture, for the preparation of the following tables:

Number of establishments and spindles in the cotton-manufacturing industry of the South in 1890 and 1900, according to United States census returns.*

Southern States.	Establishments.		Spindles.	
	1890.	1900.	1890.	1900.
South Carolina.....	94	80	332,784	1,431,349
North Carolina.....	91	177	337,786	1,133,432
Georgia.....	58	67	445,452	815,545
Alabama.....	13	31	79,234	411,328
Virginia.....	9	7	94,294	126,827
Tennessee.....	20	17	97,524	123,866
Mississippi.....	9	6	57,004	75,122
Kentucky.....	5	6	42,942	66,633
Texas.....	(b)	4	(b)	48,756
Other.....	5	(c)	66,980	(b)
Total for Southern States.....	239	395	1,554,000	4,232,888
Total for United States.....	905	973	14,188,103	19,003,352

* Returns for 1900 are preliminary.

(b) Not stated.

(c) The 5 establishments included under this head in 1890 were distributed as follows: 2 in Arkansas, 2 in Louisiana, and 1 in Texas. The returns for 1900 do not include 4 additional establishments in the Southern States, as follows: 2 in Arkansas and 2 in Louisiana.

Average number of wage-earners and amount of wages in the cotton-manufacturing industry of the South in 1890 and 1900, according to United States census returns.*

Southern States.	Wage-earners.		Wages.	
	1890.	1900.	1890.	1900.
North Carolina.....	8,742	30,273	\$1,646,186	\$5,127,087
South Carolina.....	8,192	30,201	1,646,574	5,066,840
Georgia.....	10,530	18,283	2,366,085	3,566,951
Alabama.....	2,137	8,332	447,173	1,482,226
Virginia.....	2,019	2,931	406,824	608,556
Tennessee.....	2,174	2,108	495,438	422,935
Mississippi.....	1,184	1,675	290,981	339,546
Kentucky.....	834	1,351	189,039	280,407
Texas.....	(b)	964	(b)	253,630
Other.....	1,356	(b)	328,759	(b)
Total for Southern States.....	37,168	96,138	7,817,069	17,208,178
Total for United States.....	221,585	297,929	69,489,272	85,126,310

*Returns for 1900 are preliminary.

^b Not stated.

Exports of raw cotton from the United States to the Orient during the fiscal years 1890 and 1900.

Countries to which exported.	Year ended June 30—			
	1890.		1900.	
	Pounds.	\$5,211	Pounds.	\$12,712,619
Japan.....	841,959	\$85,211	161,601,219	\$5,607,308
Chinese Empire.....			5,607,308	460,385
British East Indies.....			800,641	55,265
Total to Orient.....	841,959	85,211	168,009,168	18,228,269

Exports of cotton manufactures from the United States to the Orient during the fiscal years 1890 and 1900.

Countries to which exported.	Year ended June 30—	
	1890.	1900.
ASIA.		
Chinese Empire.....	\$1,231,033	\$8,804,778
Aden.....	(*)	1,453,634
British East Indies.....	254,961	524,419
Turkey, Asiatic.....	5,104	75,401
Japan.....	126,202	63,518
Hongkong.....	21,826	46,008
Other.....	91,484	86,871
Total Asia.....	1,730,610	11,064,629
OCEANIA.		
British Australasia.....	70,265	622,228
Hawaii.....	402,523	572,551
French Oceania.....	58,144	64,793
Philippine Islands.....	20,074	29,744
Other.....		8,577
Total Oceania.....	551,006	1,297,693
Total to Orient.....	2,281,616	12,362,322

* Not stated.

Amount of capital and value of products in the cotton-manufacturing industry of the South in 1890 and 1900, according to United States census returns.*

Southern States.	Amount of capital.		Value of products.	
	1890.	1900.	1890.	1900.
South Carolina.....	\$11,141,833	\$39,258,946	\$9,800,798	\$29,723,919
North Carolina.....	10,775,134	33,011,516	9,563,443	28,372,798
Georgia.....	17,664,675	24,158,159	12,035,629	18,457,645
Alabama.....	2,853,015	11,688,757	2,190,771	8,153,186
Virginia.....	2,966,889	4,443,206	1,732,648	2,655,002
Tennessee.....	2,928,657	3,767,726	2,507,719	1,994,935
Kentucky.....	1,376,132	1,867,605	1,000,698	1,063,712
Mississippi.....	2,053,743	2,209,749	1,333,898	1,472,835
Texas.....	(b)	2,227,184	(b)	1,199,990
Other.....	2,067,225	(b)	1,348,637	(b)
Total for Southern States.....	53,827,303	122,542,848	41,513,711	93,693,972
Total for United States.....	354,020,843	460,842,772	267,981,734	332,806,156

* Returns for 1900 are preliminary.

^b Not stated.

Imports of the United States during the year ended June 30, 1901, grouped according to sources of production.

Groups.	Value.	Percent.
Agricultural products.....	\$392,000,000	47.6
Manufactured products*.....	314,000,000	38.2
Forestry products.....	57,000,000	6.9
Mineral products.....	44,000,000	5.3
Fishery products.....	9,000,000	1.1
Miscellaneous products.....	7,000,000	.9
Total.....	823,000,000	100

* Except certain agricultural products.

Sources of the imports of the United States for the year ended June 30, 1901.

Countries from which imported.	Total imports.	Agricultural imports.	Per cent agricultural.
United Kingdom.....	\$143,388,501	\$29,515,818	21
Germany.....	100,445,902	28,176,517	28
France.....	75,458,739	20,167,790	27
Brazil.....	70,643,347	53,484,928	76
British East Indies.....	43,882,493	17,314,944	39
Cuba.....	43,423,088	38,731,981	89
Canada.....	42,482,163	8,903,504	21
Japan.....	29,229,543	20,607,368	71
Mexico.....	28,851,635	14,655,808	51
Italy.....	24,618,384	17,006,113	69
Netherlands.....	20,598,799	10,420,546	51
Dutch East Indies.....	19,026,481	18,647,588	98
Chinese Empire.....	18,303,706	15,680,911	86
Switzerland.....	15,799,400	1,052,745	7
Belgium.....	14,601,711	3,388,289	23
British West Indies.....	12,851,325	11,990,562	88
Austria-Hungary.....	10,067,970	5,236,497	52
Other countries.....	109,498,973	77,579,133	71
Total.....	823,172,165	391,931,051	48

Domestic exports of the United States during the year ended June 30, 1901, grouped according to sources of production.

Groups.	Value.	Percent.
Agricultural products.....	\$952,000,000	65.2
Manufactured products*.....	404,000,000	27.7
Forestry products.....	54,000,000	3.7
Mineral products.....	38,000,000	2.6
Fishery products.....	8,000,000	.5
Miscellaneous products.....	4,000,000	.3
Total.....	1,460,000,000	100

* Except certain agricultural products.

Distribution of the domestic exports of the United States for the year ended June 30, 1901.

Countries to which exported.	Total exports.	Agricultural exports.	Per cent agricultural.
United Kingdom.....	\$624,216,404	\$496,401,947	80
Germany.....	188,350,919	144,802,239	77
Canada.....	97,722,458	27,550,201	28
Netherlands.....	83,847,330	50,999,414	61
France.....	76,431,378	50,208,775	66
Belgium.....	48,552,762	35,341,110	73
Mexico.....	35,857,837	6,265,138	17
Italy.....	34,277,491	24,762,081	72
British Australasia.....	30,577,345	1,915,586	6
Cuba.....	24,100,453	12,623,933	52
British South Africa.....	18,977,691	10,661,001	56
Japan.....	18,656,899	6,299,061	34
Denmark.....	16,148,968	13,172,332	82
Spain.....	15,455,839	12,699,125	82
Sweden and Norway.....	11,838,911	7,085,905	60
Brazil.....	11,576,461	4,893,773	42
Argentina.....	11,289,938	143,344	1
Chinese Empire.....	10,287,312	1,473,244	14
Other countries.....	102,206,410	44,330,062	43
Total.....	1,460,462,806	951,628,331	65

Relative standing of leading agricultural export countries, 1895-1899.*

Countries from which exported.	Total exports.	Agricultural exports.	Per cent agricultural.	Per capita value.	
				Total exports.	Agricultural exports.
United States ^b	\$1,136,000,000	\$752,000,000	66	\$16.00	\$10.00
Russia.....	349,000,000	296,000,000	85	2.71	2.29
Netherlands.....	567,000,000	263,000,000	46	113.00	53.00
France.....	696,000,000	258,000,000	37	18.00	6.68
Australasia.....	361,000,000	213,000,000	59	82.00	48.00
British India ^c	224,000,000	189,000,000	84	.77	.65
Germany.....	878,000,000	181,000,000	21	16.00	3.32
Austria-Hungary.....	326,000,000	156,000,000	48	7.38	3.53
Italy.....	224,000,000	131,000,000	58	7.07	4.13
Argentina.....	127,000,000	123,000,000	97	30.00	29.00
Belgium.....	317,000,000	101,000,000	32	48.00	15.00
China.....	118,000,000	90,000,000	76	.30	.23
Spain.....	181,000,000	89,000,000	49	9.95	4.89
United Kingdom.....	1,166,000,000	78,000,000	7	29.00	1.95
Canada ^b	137,000,000	71,000,000	52	26.00	14.00
Egypt.....	64,000,000	64,000,000	100	6.60	6.60
Denmark.....	64,000,000	61,000,000	95	28.00	27.00
Roumania.....	48,000,000	46,000,000	96	8.42	8.07
Japan.....	79,000,000	39,000,000	49	1.80	.89
Uruguay.....	33,000,000	33,000,000	100	41.00	41.00
Ceylon.....	23,000,000	23,000,000	88	8.67	7.67
Switzerland.....	148,000,000	21,000,000	14	46.00	6.53
Portugal.....	30,000,000	20,000,000	67	6.12	4.08
Cape Colony.....	102,000,000	17,900,000	18	46.00	8.14
Sweden.....	92,000,000	15,700,000	17	18.00	3.14
Bulgaria.....	14,100,000	13,700,000	97	4.03	3.91
Greece.....	15,800,000	11,000,000	70	6.58	4.58
Chile.....	28,300,000	5,600,000	20	10.00	2.00

*The figures in this table are based on official returns of the various countries for the calendar years 1895 to 1899, and represent, unless otherwise stated, the annual average for that period.

^b Annual average for the five years ended June 30, 1900.

^c Annual average for the five years ended March 31, 1899.

Mr. JONES of Virginia. I yield one hour to the gentleman from Georgia [Mr. MADDOX], a member of the Committee on Insular Affairs.

Mr. MADDOX. Mr. Chairman, I regret very much that I have not had an opportunity better to prepare myself for this occasion. The House has before it two bills, one presented by the majority or Republicans of this House, which has for its purpose, although not so expressed, the permanent retention of the Philippine Islands. The minority have presented a bill which has for its purpose the retention of the Philippine Islands until a stable government can be formed, and then to leave those people to control and govern themselves, except at their request we would exercise a protectorate over them for a certain stated time.

These bills are before the House, and I undertake to say that every member who feels any interest in this matter has read those bills and the reports of the committee, and in all probability understands their purport as well as I would be able to explain this evening.

It is not my purpose to discuss these bills or their merits. That has already been done very ably on this side of the House and on the other side of the House, and other gentlemen who follow me will endeavor to give attention to these bills and their effect upon the Philippines and upon the United States. It is my purpose in part this evening to show to the House of Representatives and to the country why I think we ought not to retain these Philippine Islands permanently, and in doing so I think that any argument that goes to show how we obtained those islands and what they cost us and our conduct there, whatever it may have been, will have its bearing before the people of this country, who will finally determine the question as to whether we should retain the Philippine Islands permanently or not, for we will not settle this question here now, you may rest assured of that fact.

Now, there is one thing that I want to undertake to do this evening. I do want to relieve God Almighty of a part of the responsibility for that which has been thrust upon Him in the Philippine Islands by our Republican friends. [Laughter and applause on the Democratic side.] You have, gentlemen, upon every stump and in every pulpit in this country tried to impress upon the people of the United States that you are doing the work of God in the Philippine Islands; that you were carried there by Him; and the gentleman who has just taken his seat said we were following our course around the world under the leadership of an all-wise God.

Now I want to say to you that I believe in my heart so long as we were fighting with old Spain that God Almighty was with us. It certainly looked so. But just as soon as we entered into the peace negotiations with the Spaniards it looked like God Almighty stepped out of the way and the devil stepped in and took possession of the job, and that he has been running it ever since. [Renewed laughter.] Now about our being in the Philippine Islands by Providence, that God Almighty put us down there, I want to say to you, and I expect to prove it by the record, that all the ingenuity of our statesmen and diplomats in connection with our treasure, were exercised in order to get hold of these Philippine Islands, and God Almighty had nothing to do with it. I say from all that I can see about it that we did all we could in order to grab these islands, instead of having them thrust upon us.

Now, in the first place, we started out to acquire those islands down there by the right of conquest. That was a failure, and we could not sustain that before the civilized world. Then we proposed to sustain ourselves by taking them on the ground of indemnity, and we could not sustain that proposition, or at least we did not do it before the civilized world; and then what next? Then there was the final argument, and one which the Republican party has denied, in fact, altogether, so far as I know, upon the ground of the obligation that we owed to our allies in the Philippine Islands; that we could not afford to turn them back to Spain—that is, upon our honor we could not afford to do so.

Now, you will understand when our commissioners first went to negotiate this treaty in Paris they were not instructed to take the archipelago or the Philippine Islands. Their instructions were to take the island of Luzon. But after they got there and entered into this negotiation a certain Englishman made his appearance upon the scene, like the devil, who took Christ up on a high mountain and showed him the richness of all the balance of the earth. This Englishman told the commissioners of the richness of the Philippine Islands and what we would get out of them if we would take them as colonies. Was there anything behind that?

Now, I do not know that there was, but this idea has always occurred to me. Old Briton was right then making arrangements to go out after the two little republics down in South Africa. She knew that so long as the United States lived up to her principles as she had done heretofore she would not be allowed to have her way with this colony, if we had not stained our hands with imperialism we could hold them off.

But they were anxious to get us in the colony business, then our mouths would be hushed forever, and she could go forward and thrash the life out of these little republics. Therefore, her agent was there painting the glories and the grandeur of the Philippines and inviting us to go forward; and our commissioners, not like Christ, who told the devil to get behind Him, just surrendered. The devil he went to work and took this whole business in charge; in other words, we put the devil in front.

I have here some papers that we were very anxious to get a little while before the late Presidential campaign, but they did not make their appearance until January 31, 1901, "injunction of secrecy removed." In other words, that is when we got them.

These are the instructions given by the President, and the correspondence, to some extent, between him and the commissioners in regard to this treaty between Spain and the United States. Now I want to read the instructions of the President to this commission in reference to the Philippine Islands, the question under discussion to-day.

The Philippines stand upon a different basis. It is none the less true, however, that, without any original thought of complete or even partial acquisition, the presence and success of our arms at Manila imposes upon us obligations which we can not disregard. The march of events rules and overrules human action. Avowing unreservedly the purpose which has animated all our effort, and still solicitous to adhere to it, we can not be unmindful that without any desire or design on our part the war has brought us new duties and responsibilities which we must meet and discharge as becomes a great nation on whose growth and career from the beginning the Ruler of nations has plainly written the high command and pledge of civilization.

Incidental to our tenure in the Philippines is the commercial opportunity to which American statesmanship can not be indifferent. It is just to use every legitimate means for the enlargement of American trade, but we seek no advantages in the Orient which are not common to all. Asking only the open door for ourselves, we are ready to accord the open door to others. The commercial opportunity which is naturally and inevitably associated with this new opening depends less on large territorial possessions than upon an adequate commercial basis and upon broad and equal privileges.

It is believed that in the practical application of these guiding principles the present interests of our country and the proper measure of its duty, its welfare in the future, and the consideration of its exemption from unknown perils will be found in full accord with the just, moral, and humane purpose which was invoked as our justification in accepting the war.

In view of what has been stated, the United States can not accept less than the cession in full right and sovereignty of the island of Luzon. It is desirable, however, that the United States shall acquire the right of entry for vessels and merchandise belonging to citizens of the United States into such parts of the Philippines as are not ceded to the United States upon terms of equal favor with Spanish ships and merchandise, both in relation to port and customs charges and rates of trade and commerce, together with other rights of protection and trade accorded to citizens of one country within the territory of another. You are therefore instructed to demand such concession, agreeing on your part that Spain shall have similar rights as to her subjects and vessels in the ports of any territory in the Philippines ceded to the United States.

These were the instructions on which our commissioners went forward and negotiated, as far as the Philippines were concerned. Now, I have stated that the first proposition upon which this Government proposed to acquire the islands was upon the right of conquest. Now, I want to read you what Mr. Day reported to the President on that line. This is dated Paris, November 3, 1898, for the President especially:

UNITED STATES PEACE COMMISSION,
Paris, November 3, 1898—10 a. m.

After a careful examination of the authorities, the majority of the Commission are clearly of opinion that our demand for the Philippine Islands can not be based on conquest. When the protocol was signed Manila was not captured, siege was in progress and capture made after the execution of the protocol.

Captures made after agreement for armistice must be disregarded, and status quo restored as far as practicable. We can require cession of Philippine Islands only as indemnity for losses and expenses of the war. Have in view, also, condition of islands, the broken power of Spain, anarchy in which our withdrawal would leave the islands, etc. These are legitimate factors. Have written fully.

Thursday, 11.30 morning.

DAY.

So, you see, the idea of our acquiring the islands by conquest failed. After an examination of the authorities, our commissioners came to the deliberate conclusion that we could not hold the islands on the idea of conquest alone, or if at all.

So they received further instructions:

Mr. Hay to Mr. Day.
[Telegram.]

WASHINGTON, November 13, 1898.

A treaty of peace is of the highest importance to the United States if it can be had without the sacrifice of plain duty. The President would regret deeply the resumption of hostilities against a prostrate foe. We are clearly entitled to indemnity for the cost of the war. We can not hope to be fully indemnified. We do not expect to be. It would probably be difficult for Spain to pay money. All she has are the archipelagoes of the Philippines and the Carolines. She surely can not expect us to turn the Philippines back and bear the cost of the war and all claims of our citizens for damages to life and property in Cuba without any indemnity but Porto Rico, which we have and which is wholly inadequate.

Does Spain propose to pay in money the cost of the war and the claims of our citizens, and make full guarantees to the people of the Philippines, and grant to us concessions of naval and telegraph stations in the islands, and privileges to our commerce the same as enjoyed by herself rather than surrender the archipelago? From the standpoint of indemnity both the archipelagoes are insufficient to pay our war expenses, but aside from this do we not owe an obligation to the people of the Philippines which will not permit us to return them to the sovereignty of Spain? Could we justify ourselves

in such a course or could we permit their barter to some other power? Willing or not, we have the responsibility of duty which we can not escape.

They have discovered now that we owe something to the people of the Philippines. We started out on the idea of conquest or an indemnity, and we could not sustain ourselves before the civilized world. Now we have discovered that we owe some obligation to these people who reside in the Philippine Islands.

So the President directs:

You are therefore instructed to insist upon the cession of the whole of Philippines, and, if necessary, pay to Spain ten to twenty millions of dollars, and if you can get cession of a naval and telegraph station in the Carolines, and the several concessions and privileges and guaranties, so far as applicable, enumerated in the views of Commissioners FRYE and Reid, you can offer more. The President can not believe any division of the archipelago can bring us anything but embarrassment in the future.

Now, you understand that we started out on the idea that we were entitled to these islands by reason of conquest. In addition to that, we urged that we were entitled to them as an indemnity. The question of duty that we owed the Philippines was not suggested until these two claims failed—entirely failed—and then it was that we discovered that we owed something to the people in the Philippine Islands. So the President directed as follows:

The trade and commercial side, as well as the indemnity for the cost of the war, are questions we might yield. They might be waived or compromised, but the questions of duty and humanity appeal to the President so strongly that he can find no appropriate answer but the one he has here marked out. You have the largest liberty to lead up to these instructions, but unreasonable delay should be avoided.

HAY.

What was this question of duty? What duty and to whom were we indebted? If we had no right to acquire these islands by conquest, if we had no right to acquire them by indemnity, then the question is, To whom did we owe this duty? Unquestionably to Aguinaldo, whom the gentleman a few minutes ago in his speech, as I have heard time and time again on that side, described as a traitor to his country and to his people. I want to say to you that if Aguinaldo is a traitor, as he has been depicted by your people, it is a fact established in this record of our peace negotiations that our consuls hurried all over that Eastern country to find him and employ him and send him to aid our Navy. They sent him into the islands and armed his people, and they aided us to drive the Spaniards up to the gates of Manila.

And not only that, the gentleman spoke of the \$400,000 he had received. I undertake to say that within the lids of this book, among the official records, you will find the statement that our consul-general at Manila, Mr. Williams, attested a check himself on the Bank of Hongkong for \$400,000, which Aguinaldo had received as a compromise with his Spanish enemies in order that his people might have certain reforms which they had never brought about; that that \$400,000 was held as a sacred fund and was never drawn out of that bank until this war began, and then it was drawn out and invested in rifles in order to aid the United States and themselves in putting down the Spanish authority in the Philippines. The record shows these facts.

Now, with these instructions, what did our commissioners do? What did they say? We have had a good deal said in this country through the newspapers, and especially on the floor of this House and at the other end of this Capitol, about what transpired and about the motives and so forth which induced our people to acquire the Philippine Islands. I say to you gentlemen this is the official record. These commissioners were speaking for the United States and for the Administration. Now, let us see what they said. What is our attitude toward these people? It has been denied from every stump by the Republicans of this country that these Philippine people were ever our allies. You have denied it. I have heard it denied time and again on this floor and elsewhere.

I say to you that they were recognized as such. We owed those people of the Philippine Islands a duty—an obligation, as our commissioners said—to stand by them. They did not intend to establish the relation of allies. But I will let them speak for themselves. Here is what they said in their final ultimatum to the Spanish Government on this question:

Even if the United States were disposed to permit Spanish sovereignty to remain over the Philippines, and to leave to Spain the restoration of peace and order in the islands, could it now in honor do so? The Spanish commissioners have themselves, in an earlier stage of these negotiations, spoke of the Philippines as our allies. This is not a relation which the Government of the United States intended to establish; but it must at least be admitted that the insurgent chiefs returned and resumed their activity with the consent of our military and naval commanders, who permitted them to arm with weapons which we had captured from the Spaniards, and assured them of fair treatment and justice. Should we be justified in now surrendering these people to the Government of Spain, even under a promise of amnesty, which we know they would not accept?

These were the commissioners who represented the United States and the Administration—

Should we be justified in now surrendering these people to the Government of Spain, even under a promise of amnesty, which they would not accept?

Gentlemen, every other argument had been exhausted; and then it was that they discovered that these people were our allies.

They did not intend to form that connection, but taking the least that they say of it, it is that they did return at our suggestion; they were armed with guns that we captured from the Spaniards; they did aid us; and we can not afford to turn our backs on them.

So I assert that as a last resort these commissioners obtained the Philippine Islands upon the idea of a duty that we owed to the people, after they had exhausted every other remedy, every other method by which they could acquire these islands.

Yet our Republican friends are going up and down this country and insisting on every stump that God Almighty placed those people in our hands. All you have to do is to read these proceedings to see that the ingenuity of the diplomat was absolutely exhausted in order to acquire these islands in a way that we could justify before the world. Now, gentlemen, what have we done to those people to whom we owe so much? We have acquired these islands, according to this record, because of a duty and an obligation that we owed to the people of the Philippines—those people who assisted us when we had no infantry in that country—who came to the rescue of Dewey. What have we done for them?

Why, history will answer that question. I do not care to go into it. I do not expect to stand here and criticize what our soldiers have done down in the Philippine Islands. I was once a soldier myself. I know what soldiers do. I know that private soldiers can commit crimes as easily as private citizens and are more liable to do so, and that the Government is not responsible for such conduct. But I will undertake to say that there has been no act of cruelty perpetrated out there by the orders of any of our commanding officers that was not fully justified by the orders that they received from the Administration in the city of Washington. I do not believe that our troops and our officers would violate the rules of war without such orders.

Now, have I a right to say this? Why, sir, take these charges that have been made against General Smith, who left the island of Samar "a howling wilderness." Does he deny the charges that are made? I have here those charges, and I propose to print them as a part of my speech. He absolutely comes into court and admits these charges and says they are true, and justifies himself by the order, or, in other words, by the rules of war. Has any one of them been convicted? There has been a good deal said about punishing these people for their cruelties inflicted down in the Philippine Islands. A number of arrests have been made, a number of courts-martial have been held, and every single one of them up to date, so far as I remember, has been acquitted. So that leads me to the conclusion that these people were acting under orders and those orders were sent out from the Department, from the commander, the Secretary of War.

But the Secretary of War has furnished us the expense account down in the Philippines—\$170,000,000. I would just like to see that statement and see how he juggled those figures to bring that about. It transpired a little while back, a few days ago, that he thought it was necessary to expend some of the trust fund down in Cuba to educate the best thought in this country on this question of reciprocity. Well, if it cost only \$170,000,000 to carry on this war for the last four years in the Philippines, I should like to know what became of all this money that we have been appropriating here for our Army. If he can take trust funds and circulate them through the country for the purpose of educating the best thought on one side, he may have been doing something of the sort with some of these vast appropriations that we have been making for the Army, which do not seem to have been expended in the Philippines. I do not make that charge, but it is up to him to say what became of all this money. I have made some figures on that myself. I do not claim them to be accurate, for no man on earth can tell except the man who has the books in charge.

Accurate and complete statistics in regard to governmental matters in the Philippines are obtainable only down to the end of the fiscal year terminating June 30, 1901. The various departments of the Government are either unable or unwilling to furnish statistics for the present fiscal year. This statement that I have here was prepared the day before yesterday, before this report came out. Figures for the present fiscal year, however, can be stated with approximate correctness by making an informal comparison with those of the preceding year. During the three years beginning June 30, 1898, and ending June 30, 1901, the total number of American soldiers engaged in the Philippines was 112,277. During the same period the total number of our soldiers killed and died of injuries received in battle was 918, the number of deaths from disease contracted in the Philippine service was 2,075, making the total number of deaths 3,493.

In addition, during the same period the number discharged for disability contracted in the same service was about 4,000, and of this number about 500 were discharged or incapacitated by reason of their sufferings in the service. In regard to the present fiscal

year, approximate figures are available down to December, 1901. During the period of the first five months of the present fiscal year the average number of soldiers on duty in the Philippines was about 46,000, and the number of deaths was 335. Well, now, just let us stop right there. The Secretary of War comes here with a report, and he says for the year 1898—the two months of May and June—the cost was two million and something; for the fiscal year 1899 twenty-six million and odd; for the fiscal year of 1900 fifty million, and for 1901 fifty-five million. I have always understood that it cost about \$1,000 to maintain every soldier in this country. That has been admitted, and 40 per cent additional is added to maintain a soldier in the Philippine Islands.

At one time we had probably as great an army as was ever gathered together almost in any country, except during the civil war, in the Philippine Islands, and yet we are told here that this expense, even the highest year, was only something over \$55,000,000 for the payment of those troops. Now, how were those figures juggled with in order to bring about this result? I do not know from what standpoint he is figuring. I can not imagine. We have got to have some other explanation of his report, I believe, before the country will be willing to accept it. I am very loath, in fact I never have before in my life attempted to criticize any officer of this Government, but it does seem to me that this report ought to be sustained by an itemized statement and the facts brought out, if it is not the truth.

As I was saying, during the first five months of the present fiscal year the average number of soldiers on duty in the Philippines was about 46,000, and the number of deaths was 338. The average number of cases of sickness during that period was about 3,500 at any given time. Since the commencement of the present calendar year, the number of soldiers on duty in the Philippines has been somewhat reduced, and is now about 40,000. Further reductions are promised, but nothing under 30,000 is expected in any quarter so long as the present hostilities are maintained. The total expense involved in the prosecution of the military and naval operations since the outbreak of the Spanish war is not generally understood or appreciated, and the Philippine war business has already cost the country nearly half as much as the total expense to the North of the whole civil war.

The civil war cost the North something more than \$2,000,000,000. The expense involved in the Spanish war and in the subsequent Philippine operations has already exceeded \$1,000,000,000. The people at large do not realize this. If they did, they would call a halt. The total cost of the Spanish war up to the date of the treaty, as estimated by the House Appropriations Committee, \$482,562,000; total cost of military operations in the Philippines for three years ending June 30, 1901, according to the best estimates, \$446,000,000; estimate of same operations for present fiscal year ending June 30, 1902, about \$100,000,000; total war expenses, \$1,028,562,000.

Mr. PALMER. Will the gentleman yield for a question?

Mr. MADDOX. Yes.

Mr. PALMER. What do I understand the gentleman to say that the cost of the civil war was?

Mr. MADDOX. Over \$2,000,000,000.

Mr. PALMER. I thought it cost over \$7,000,000,000.

Mr. MADDOX. The estimate for the same operations for the present fiscal year, ending June 30, 1902, is about \$100,000,000. The total war expenses are thus \$1,028,562.

The cost of the Army before the Spanish war was about \$30,000,000 a year. It is now over \$100,000,000 a year. The amount for the present year has been about \$113,000,000. Deduct the \$30,000,000 that was formerly the normal cost of the Army and we have \$83,000,000 left, which is almost entirely devoted to the expense of the military occupation of the Philippines. This is simply for maintenance, and does not include transportation. Add the transportation expenses, and the total Philippine military expenses will foot up nearly \$100,000,000 annually. Owing to the recent contemplated reductions, the amount during the coming year will be probably about \$15,000,000 less.

If I understand the orders that have been issued recently, this sum should be reduced below that, for I understand it is the intention of the War Department to withdraw the troops from the Philippines to a greater extent than was anticipated by myself.

But so long as the hostilities continue there can be no further reduction than this. In other words, the annual continuing expense of the military occupation of the Philippines, including transportation, can not be less than \$85,000,000.

Now add to this the cost of maintaining the civil government. The Philippine Commission, although one of the most expensive and elaborate and extravagant governmental bodies in the world, of course does not compare in expensiveness with the Army, because it is not as numerous. However, it is found that in the fiscal year 1899 the cost of the Commission reached, in round numbers, \$2,300,000; that in the fiscal year 1900 this amount was swelled to about \$4,500,000, and that in the fiscal year 1901 it

amounted to the very respectable sum of about \$5,200,000. This included something over \$1,000,000 for "administration," including salaries, and the remainder went for schools, police, prisons, sanitation, roads, bridges, quarantine, supplies, hospitals, and public works of all sorts. The total civil expenditures for the year, including customs and postal, was, in round numbers, \$5,652,000.

Now, what is the other side of the balance sheet? The total commerce of the Philippines, both imports and exports, for the last fiscal year was, in round numbers, \$53,000,000; of which the share of the United States was about \$6,000,000. And fully one-quarter of this sum consisted of exports from this country directly to our soldiers in the Philippines. In other words, our commerce with the Philippines proper amounts to not more than \$4,000,000 or \$4,500,000 annually, both exports and imports; and, calculating upon a basis of 10 per cent profit on this commerce, our merchants and others make perhaps \$500,000 at the outside out of our Philippine trade, to count as an offset against \$100,000,000, which the islands are costing us annually.

It is said that our commerce with the islands is increasing. So it appears to be, at the rate of perhaps 10 per cent to 15 per cent annually, including our exports to the Army. Deducting these, the increase has been very slight.

Supposing that such increase is at the rate of 5 per cent annually, the increase in the profit of the United States in its Philippine commerce would amount to about \$25,000 next year, and at this rate it can be calculated that the United States would catch up with its Philippine expenditures, perhaps, some time in the course of the millennium.

Remember, too, that the profits of the commerce, meager as they are, would go only to a few exporters and other business men, while the enormous expenditures are borne by the whole people, who, with rare exceptions, get no profit whatever from our Philippine possessions, and can never expect to do so.

Aside from the few business men engaged in the Philippine trade, the only money to be gotten out of the Philippines will go to the Army, the civil government of the islands, and the few exploiters and promoters who are even now rushing over the ocean to gobble up the whole islands.

Say the Philippines are costing us \$100,000,000 a year—that is, \$273,972 per day. The civil war cost the North at the rate of a little over \$1,000,000 a day. So this Philippine business is costing us nearly one-third as much as the civil war cost the North.

Notice the great increase in the totals of our recent national appropriations. In 1897 these amounted to, in round numbers, \$470,000,000; in 1901, \$710,000,000; in 1902, \$720,000,000; and for 1903 they will amount to at least \$800,000,000. These recent great increases have been due almost entirely to this Philippine business.

I have some other figures here in reference to the report made by the Secretary of War, which I will not take the trouble now to read, but which I shall incorporate in my remarks.

The question simply brings itself down to this proposition: If Secretary Root's figures really represent the total expenses of the Philippine war, including maintenance of the Army during the past four years, what has he done with all the rest of the money included in the recent Army appropriation bills? Let him answer that. For example, during the fiscal year 1901-2 he says the Philippine army expenses have been only about \$40,000,000. But the Army appropriation bill for that year named \$115,000,000. What has he done with the odd \$75,000,000? Now, that is the question for the Secretary to answer. What has become of this extra \$75,000,000? If not expended in the Philippines, where has it been expended?

I noticed in his report, if I understood it, that he undertook to say that the regular standing Army now being 59,000 men, we only ought to count or charge the expenses of the additional troops beyond the minimum sum of the Regular Army that is now in the service. But what is to become of the President's message to this Congress and of the speeches urging the necessity for the increase of this Regular Army in order to maintain ourselves in the Philippine Islands to 100,000 troops? What necessity did we have for increasing the standing Army except for the purpose of sending those troops to the Philippine Islands? So long as we did not have the Philippine Islands, what use would we have for more than 25,000 men, the maximum, or nearly so prior to 1897?

Now, what became of this \$75,000,000? Why, some gentleman may say that we have spent a portion of it in Cuba in maintaining our troops there, and we have spent some of it in Porto Rico in maintaining troops there. We have not had 10,000 troops altogether there, and we could easily have spared those from the 25,000 in this country, for we had no use for the 25,000 that we had, none whatever; and so this expense can only be attributed, so far as I know, with the exception of a few millions spent in

China, to the war we have been waging with our allies in the Philippines.

Now, Mr. Chairman, as I said at the outset, I am in favor of the minority bill. I am not in favor of what some gentlemen insist upon that side—of scuttling the ship and leaving those people to their fate. I might have been in favor of that before destroying that country and leaving it a howling wilderness. If we owed them any debt when this treaty was signed—if we owed them anything then, I say in God's name we owe them much more now. What is that? We owe it to them to go to work and assist them to establish a stable form of Government, which this minority bill proposes to do. We propose to hold out to them the promises of self-government, of liberty and justice, which they are entitled to demand at our hands. I want to incorporate in my speech—for the country has nearly forgotten it—the joint resolution recognizing the independence of the people of Cuba, etc. I think it ought to go in every few days.

Public resolution, No. 21.—Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating as they have, in the destruction of a United States battle ship, with 266 of its officers and crew, while on a friendly visit in the harbor of Habana, and can no longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Approved, April 20, 1898.

I want to say that I believe our obligation is as binding to the people of the Philippines, notwithstanding they are not mentioned in that resolution; we owe them the same duty that we owe the people of Cuba. As has been well said by the President in his instructions, we had no idea of going to the Philippine Islands or to conquer those islands. These people were there fighting for their liberty, just the same as the people of Cuba were. It is a mistake for gentlemen to try to present to the country the fact that these insurgents were not contending for their liberty until Aguinaldo arrived. All you have got to do is to read the reports of our consul who was in Manila and in the archipelago three months before the landing of Dewey, and you will find that these insurgents were fighting the Spaniards and pushing them from the interior in every direction, and when Aguinaldo arrived he found an organized force there who were contending for their liberty just the same as those recognized and aided in Cuba.

Now, I say our obligation to these people under this resolution was just as binding as to the people of Cuba. Yet we have not carried out our obligations to Cuba. We have said to the world that Cuba is free. Free Cuba. Why, there is not a man in this House who does not know that there is not a word of truth in that; not a word. Cuba is not free, and never will be free of the United States. Never. We have not carried out this resolution. We have not carried out our written pledges. But let that be as it may, I say that the same obligation that we owe to the Cuban people we owe to the people of the Philippine Islands, and if we can give to Cuba liberty, if we can establish a stable form of government, and then turn their government over to them, we can do the same thing for the Philippine people, and before God and man we owe it to them, and we ought to do it. [Loud applause.]

But our friends on the other side say we are down there by divine right. I call your attention to the official record. How did we get those islands? What was the plea? The plea of obligation due to our allies, the Philippine people, for enabling us to conquer the Spaniards. That is the last resort of our Commission, to seek to justify us in acquiring those islands before the civilized world, and yet we have made their country a howling wilderness, with orders to kill everything 10 years old and up. In other words, we owe the Philippine people, our allies, liberty and independence. I say to you gentlemen, in my judgment, when the people of the United States fully recognize the fact that I have endeavored to show to-day, they will see that instead of the great God being behind this movement and fostering and carrying on this war that has been waged upon these people, they will come

to the conclusion that it is the devil, instead of God Almighty, that is running the machine.

I thank the House for its attention. [Loud applause on the Democratic side.]

APPENDIX.

PHILIPPINE DATA.

Secretary Root's figures in regard to the cost of the Philippine war, whether they were intended to mislead or not, are entirely misleading. These figures, given to the public within the last two or three days, after the lapse of two months since they were called for by Congress, show that the expenses of the Philippine war during the last four years have been only \$170,000,000. This amount evidently represents only the sum actually expended in the Philippines and for transportation to and from those islands. It obviously does not include the expense of maintenance of the largely increased Army of the United States under the new Army reorganization bill. But this method of statement on the part of the Secretary is absolutely unfair and disingenuous, to designate it by no harsher term.

Here is the case in a nut shell: Before the Spanish war the Army consisted of, say, 25,000 men, and the Army appropriation bills were never more than \$30,000,000, and generally about \$25,000,000. The bills for 1897 and 1898, just before the war, were \$23,000,000 apiece, in round numbers. The bill passed during the year of the Spanish war carried \$80,000,000. Nobody complained or wondered at that. But the war was soon over, and the natural supposition was that the Army could be reduced at once to a peace footing and the Army appropriation bills would be returned at once to their normal dimensions. Instead of that, what happened? The Army was reorganized on a permanently enlarged basis of 100,000 men, and the next two years Army appropriation bills amounted to \$114,000,000 and \$116,000,000, respectively. Why was this done? It was entirely on account of the Philippines.

In other words, the Army would not have been enlarged beyond its former dimensions before the Spanish war if it had not been for our Philippine occupation. Instead of having an army of the present large dimensions we should now have an army of 25,000 men or thereabouts, as before the war. Why not? Why should we need a larger army? We have no further use for troops in Cuba, and we are at peace with all the rest of the world except the Philippines. Therefore the entire expense of the Army over and above the \$25,000,000 or \$30,000,000 required annually for the Army on a peace footing is chargeable to the account of the Philippines.

As already stated, this difference during the past four years amounts on the lowest estimate to more than \$400,000,000.

Another way of getting at the facts is the following: During the past four years the appropriations for our enlarged Army have been about \$80,000,000 or \$85,000,000 more than the normal annually. The total extra expense for the four years has been thus all the way from \$320,000,000 to \$340,000,000. This has been simply for the maintenance of the Army—that is to say, of the additional army, over and above the normal—and that is what it would have cost to maintain this additional army force in this country. Now, add to this the \$170,000,000 reported by the Secretary as the expenses incurred by maintaining our forces in the Philippines and we have a total of over \$500,000,000. Or, if it is not fair to include all of this \$170,000,000 as extra expenses due to foreign occupation, in addition to the \$320,000,000 to \$340,000,000, certainly a good part thereof must be thus reckoned, because it always costs more to support an army away from home, owing to transportation expenses and many other obvious sources of expense. So if we add only one-half of the Secretary's figures we get a total of over \$400,000,000, as before.

Notice also as a collateral argument the obvious fact that a greatly enlarged Army means also a greatly enlarged and more expensive pension list, and in this case, moreover, a pension list on account of the war which is considered by a large part of our citizens unjustifiable and wrong.

COURSE IN SAMAR WAS UPHELD—THE PRESIDENT, AFTER HIS REVIEW OF THE CASE, MAY DISAPPROVE THE FINDINGS, BUT CAN NOT NOW IMPOSE ANY PUNISHMENT BEYOND CRITICISM—ADMISSIONS BY THE ACCUSED AT THE TRIAL.

Announcement was made at the War Department yesterday that Brig. Gen. Jacob H. Smith will be immediately ordered to proceed to San Francisco and will then be placed in command of the military department of the Texas. This action of the Department dispels any doubt that may have existed as to the findings of the court which tried General Smith for his conduct of the campaign in Samar. He has been acquitted, and, so far as the court is concerned, there will be no further proceedings against him. It now remains for the President to review the case, and he is expected to make public his views in the course of ten days. He may disapprove the findings of the court and strongly condemn General Smith's work in Samar; but there can now be no punishment save in the way of criticism.

The record, which the President has received, contains the exact language of the admissions made by Colonel Woodruff, counsel for General Smith, in regard to the orders which the latter officer issued to Major Waller, United States Marines. The charge was "conduct to the prejudice of good order and military discipline," and it was supported by this specification:

"In that Brig. Gen. Jacob H. Smith, United States Army, commanding general of the Sixth Separate Brigade, Division of the Philippines, did give instructions in regard to the conduct of hostilities in the island of Samar, P. I., to his subordinate officer, Maj. L. W. T. Waller, United States Marine Corps, the said Major Waller being under his command and commanding at the time a subterritorial district in the island of Samar, P. I., in language and words, to wit:

"I want no prisoners' (meaning thereby that giving of quarter was not desired or required), and 'I wish you to kill and burn. The more you kill and burn the better you will please me,' and 'the interior of Samar must be made a howling wilderness,' and did give further instructions to said Major Waller that he, General Smith, wanted all persons killed who were capable of bearing arms, and did, in reply to a question by the said Major Waller, asking for an age limit, designate the age limit at 16 years.

"This at or near the island of Samar, P. I., between the 24th and 28th days of October, 1901."

SMITH'S PLEA AND ADMISSIONS.

The record then gives General Smith's plea to the charge and specifications, which was "not guilty." Colonel Woodruff's statement, which was partially cabled at the time it was made, is then given in full, as follows:

"The accused desires to simplify this case as much as possible, and admits that he was commanding general of the Sixth Separate Brigade, Division of the Philippines; that Major Waller was one of his subordinate officers, commanding a subterritorial district, and that he did give him personal instructions relating to hostiles under arms in the field, and he did instruct him not to burden himself with prisoners, of which General Smith already had so many that the efficiency of his command was impaired, and tell him that he wanted him to kill and burn in the interior and hostile country; and did further instruct him that the interior of Samar must be made a howling wilderness; and did further instruct him that he wanted all persons killed

who were capable of bearing arms and were actively engaged in hostilities; and that he did designate the age limit at 10 years, as boys of that age were actively engaged in hostilities against the United States authorities, and were equally dangerous as an enemy as those of more mature age."

The record then shows that the judge-advocate asked this question:

"Does the accused admit that as his statement?"

"I do," was the response of General Smith.

Major Waller testified, according to the record, that he had been told to kill and burn, but he understood that these instructions did not relate to all the inhabitants of Samar, but only to those engaged in hostilities, and he denied that General Smith had authorized any killing or burning not demanded by circumstances or authorized by the laws of war. The evidence submitted by General Smith in defense was divided under three heads:

First. The character and methods of the natives of Samar.

Second. Evidence showing the military conditions existing in Samar when General Smith took command.

Third. The plans formed by him to meet those conditions, and the result. Lieutenant Guajot, of the Tenth Cavalry, who was in command at Calbiga, testified:

"In a conversation with insurgent officers, General Guevara told me himself that there was not a boy 8 years old on the Ganadara River who could not handle a bolo or make a cartridge. Colonel Sebastian said the same, but fixed the age at 10."

Other officers testified as to the youthfulness of the Samar insurgents, and one of them, Captain Ayer, said that he regarded the inhabitants of the island as mostly savages, some barbarians, and a small percentage semi-civilized.

In answer to an inquiry on the subject, General Chaffee has informed the Secretary of War that the record of the proceedings of the court-martial in the case of Maj. L. W. T. Waller, of the Marine Corps, were forwarded to Washington on the transport *Kilpatrick*, which left Manila May 19. The *Kilpatrick* is expected to reach San Francisco in a few days.

Mr. MADDOX. I yield back the remainder of my time to the gentleman from Virginia.

The CHAIRMAN. The gentleman has consumed forty-eight minutes.

Mr. BROMWELL. It has been an interesting question to Republicans, and no doubt to every Democrat, as to what shall be the issues of the coming campaign. It has seemed to us, and I believe it has seemed to the Democrats, that every issue that has been raised between the parties in the past has been relegated to obscurity by the action of the people of the United States, and that the Democrats to-day are without any live, substantial controversy upon which to go before the people of this country in the next campaign.

As a matter of some curiosity, I have been reading and listening to find out, if possible, what questions we shall have to meet on the platform this next fall. I have gone to Democratic sources to ascertain the answer to this question. I have read the utterances of that great ex-leader of Democracy, William J. Bryan, and more recently the words of that other great ex-leader of Democracy, Grover Cleveland, and his associate, David B. Hill. Two or three days ago there appeared in what I consider the leading Democratic paper of the United States, the *Cincinnati Enquirer*, an editorial, and for the few minutes that I shall occupy the attention of the House I wish to take that editorial as the text for the remarks which I shall make.

The *Cincinnati Enquirer* is owned and published by Mr. John R. McLean. Mr. McLean is at this time engaged in a controversy with another distinguished Democrat from the State of Ohio, Tom Johnson, of Cleveland, for political supremacy, and the controversy between these distinguished gentlemen has been the occasion for the inspired editorial to which I refer. I shall read from this editorial here and there, taking the liberty of making some comments upon it as I go along, and, with the permission of the House, will include the whole of it in my remarks. It is as follows:

The Democratic party of Ohio, as a party, has always been true to the organization. Its fidelity began with the admission of the States of the Union a century ago and has lasted without surcease to the present interesting moment.

In other words, as I construe that statement, it means that whatever may have been the opinions of the Democrats of the State of Ohio as a party, or of the individual Democrats of that State, they have unhesitatingly sacrificed their own views and principles to the declarations of the party platform as set forth in the national convention, and have voted for their national platform, right or wrong.

I read on:

It has preserved a sturdy front in defeats as well as in victories; it has survived "isms," the schisms, and rebellion.

I think the editorial is defective in omitting the pronoun "its," as I think that it should have read "its isms, schisms, and rebellion."

It has been tolerant of those departures from the true faith which insinuate themselves in wrong and dreary minority periods, but it has maintained strong bridges on which to cross back to solid ground.

In other words, however much it may recognize the fallacy of national platforms, however false its position may be upon the great questions which have been submitted to the country, it has followed them blindly and willingly because they are the utterances of the national party leaders. But the saving clause is "it has maintained strong bridges upon which to cross back to solid ground."

And then the editorial goes on further along to tell us what some of these strong bridges are upon which they hope again to get out of the quagmire of defeat upon the sure ground of victory:

It has had strong temptations to heretical alliances, and it has been trifled with by pestiferous and pettifogging politicians, but it has never lost its recuperative quality.

I presume these pestiferous, pettifogging politicians to which he refers are Bryan and the followers of Bryan in the last two campaigns.

It has been an enduring force in affairs, and its history is the best incentive to work for success in the future.

Then he goes on to recapitulate some of the history of this Democratic party:

Not to go back further than 1852, the Democrats carried the State for Franklin Pierce. They were steadfast to James Buchanan in 1856.

A thing, I suppose, that most Democrats do not look back to now with any great amount of pride.

They voted for Douglas in 1860, when the clouds of war threatened to obscure all party lines. They rallied to Vallandigham in obedience to the mandate of their representatives in State convention assembled, in the midst of the greatest civil strife of all time. They gave earnest support to George B. McClellan in 1864 against Abraham Lincoln. They voted for Horatio Seymour in 1868 in opposition to the greatest captain that had been developed by a bloody war lasting four years. In 1872, again opposing Grant, they crowded their prejudices aside and were loyal to the ticket made by a combination of Democrats and Liberal Republicans, voting for Horace Greeley, who had been a lifelong Republican, but was opposed to the attitude of his party at that time.

A party of expediency! Unwilling, because recognizing that they would be defeated, to support the regular candidate of their own party, with the rallying cry of "anything to beat Grant" the Democracy of Ohio undertook to elect a lifelong Republican, Horace Greeley.

Four years later the evolution of politics brought them to the support once more of a great and real Democrat, Samuel J. Tilden.

A great and real Democrat! This is an insinuation, this is an innuendo as against the other candidates of the Democratic party which it seems to me unfair and unjust to make. To say that Tilden was a real Democrat is an intimation that the others were weaklings and frauds.

And they endured the most gigantic robbery known to politics with patience, patriotism, and a sublime faith in the ultimate triumph of their principles.

We all recall the campaign, that exciting campaign, between Tilden and Hayes. We know that the result of that campaign was left to a board of arbitration, and we know that that board of arbitration seated President Hayes. It looks to us as if the attempt to belittle, the attempt to disparage the result of that arbitration is hardly fair, to say the least, on the part of the Democratic party, who consented to the arbitration and should have swallowed their disappointment when the award was against them.

The incentive to revolution was almost as great as that which brought on the war in the sixties, but self-sacrifice kept the peace and the Democrats of Ohio lived as a tremendous entity to stand by Hancock in 1880, though he was a candidate of expediency rather than fairly representative of original Democratic principles.

Again a slur upon the national candidate as a candidate of expediency and not representative of Democratic principles.

They were for Grover Cleveland in 1884, and waiving many bitter disappointments and in obedience to the action of their authorized delegates in national conventions, stood shoulder to shoulder for Cleveland twice more, coming within a flimsy fraction of carrying the State for him in 1892. The campaigns of 1896 and 1900 were overwhelming examples of the faithfulness of the Ohio Democrats to the organization of the party. They were for the Chicago platform and the men who stood upon it, against the campaign money power of the State and country, against the deluge of charges that they were consorting with anarchy, destroying the courts, and entering on a civil and social revolution which no cause could stand against. They were loyal and true to their declaration of principles and to the leaders in opposition to every corporate and capitalistic interest, and in a cause that was likely to cultivate the antagonism of nearly every man who had a dollar to contribute to campaign expenses.

The Democrats of Ohio have gone through all these things for the sake of the future. Many of their campaigns have been forlorn hopes. They have frequently fought under impossibility of winning in alliance with men who were not true Democrats to preserve the organization and to win as many men to the true faith as possible.

What an admission for a great Democratic party to make! That without any reference to party principles, merely to catch votes, they were ready to ally and to connect themselves with any party that was willing to join with them in opposition to the great Republican party.

Such a party can not go to pieces. It has always had an ultimate end in view.

An ultimate end! Yes; the end of securing control of the Government—not the end of the good of the country, but the end of coming into power and holding office.

The Democrats of Ohio especially have long yearned for the time when their forces might be combined under a platform and policy for which no apology need be made, and which, without explanation or elaboration, would command the devotion of all real patriots.

Their time is near at hand, if they pursue a policy of common sense. That policy will not be to make the party a mere apparatus for juggling by some

sensational performer in politics. It will not be to make it any longer a hopper for all the fads and heresies and cheap inventions in "statesmanship" which the Republican leaders have rejected.

It will not be to make it the medium of introducing paternalism in our local and national affairs. It will not be to place it in the experimental hands of those who are always obstructive and never progressive—those who believe that there is only advancement in tearing to pieces the mightiest structures that have arisen from the best thought of the country for a hundred years.

It looks to me, Mr. Chairman, and gentlemen of the Democratic side, as if this were a direct admonition to the gentlemen of the minority of this House.

The country is prosperous. The ipse dixit of no public man, no matter how eloquently the rhetoric may pour forth from his prolific mouth, can prevail against a condition that makes so many people happy.

What a vivid picture of that great leader of yours, William Jennings Bryan—"the rhetoric that may pour forth from his prolific mouth"—perhaps as picturesque a description of him as could be given.

A volume of resolutions by political conventions, with storms of applause and music by a syndicate of brass bands, can not restore the "issues" which passed into the night when South Africa yielded her golden treasures, and the sturdy adventurers went to the Klondike, and lifting the frosty covering looked upon a yellow wealth that made pigmies of our greatest statesmen in finance. Nature came to the rescue, and gave the country that which was prayed for by those who were reasonable and consistent in their advocacy of the Chicago and Kansas City platforms—plenty of money to do the business of the country with.

I may add—

Mr. COCHRAN. Mr. Chairman, I rise to a point of order, that under the rule governing this debate the remarks of the gentleman now on the floor are irrelevant.

The CHAIRMAN (Mr. CAPRON). The Chair will overrule the point of order.

Mr. COCHRAN. I rise to a parliamentary inquiry. Why is the rule governing debate in the daytime different from the rule governing debate at night?

Mr. BROMWELL. Because gentlemen are liable to get more light on the subject in the daytime than at night.

The CHAIRMAN. For the information of the gentleman from Missouri, the Clerk will read the paragraph of the special rule pertaining to this question.

Mr. BROMWELL. I do not wonder that the gentleman from Missouri objects to this editorial being read and put into the RECORD.

Mr. NORTON. Oh, no; we like it.

The Clerk read as follows:

That after Thursday, June 19, and during the continuance of this order, the House shall meet each day at 11 o'clock, and at 5 o'clock on each day a recess shall be taken until 8 o'clock for evening sessions, which evening sessions shall continue not later than 10.30 p. m., and be devoted to debate only on said bill.

Mr. RICHARDSON of Tennessee. I submit, Mr. Chairman, it never was intended to make a different rule for general debate at night from the general rule prevailing during the day. Such a distinction was never enforced in the House of Representatives before. I never saw a time when a rule like that prevailed—to say that you must debate a measure in one way at night and in another way during the daytime. I am not objecting to the remarks of the gentleman from Ohio [Mr. BROMWELL], because I think they are an improvement on the remarks we generally get from my friend, inasmuch as he is now quoting somebody else.

Mr. BROMWELL. It is very kind of my friend from Tennessee to say that.

Mr. OLMSTED. Mr. Chairman, if I may be permitted, I suggest that neither as to the night nor the day does the rule bear the construction suggested by the gentleman from Missouri. The meaning of the rule is that the night session shall be devoted to "debate only."

Mr. RICHARDSON of Tennessee. That is all. But the rule enforced last night was that the general debate must be confined to the pending question.

The CHAIRMAN. The Chair desires to say, for the information of the committee, that it was the statement of the gentleman from Virginia that the rule should be applied, and it was so held by the Chair.

Mr. COCHRAN. I rise to a parliamentary inquiry. Was the ruling which was enforced last night made by the present presiding officer?

The CHAIRMAN. It was not.

Mr. COCHRAN. Was it made when a Democrat was addressing the House?

The CHAIRMAN. It was made when a Republican was addressing the House, as the Chair is informed.

Mr. COCHRAN. If it was made when a Democrat was addressing the House, that would account for the rule being changed to suit a different situation.

The CHAIRMAN. The Chair desires to say that he wishes to be governed by the rule as it has been understood and enforced.

Mr. JONES of Virginia. My understanding of the rule was that debate at night sessions must be confined to the bill under discussion.

The CHAIRMAN. The Chair will so hold; the rule has been so interpreted.

Mr. RICHARDSON of Tennessee. The gentleman from Pennsylvania [Mr. OLMSTED] is correct in his construction of the rule. It is that the night sessions shall be "for debate only;" that is, that there shall be no legislation, no motions; that there shall be only debate. No other meaning was ever intended as I understand.

The CHAIRMAN. The Chair believes that, the debate having been extended to take in the war in South Africa and many other subjects, the gentleman now on the floor should be permitted to proceed.

Mr. BROMWELL. I read on from this very interesting editorial, which seems to have stirred up the gentleman from Tennessee and the gentleman from Missouri:

The Democratic party can not win on a defunct money issue, or on a policy that takes it in any degree out of sympathy with and admiration for the brave soldiers and sailors who are fighting the battles of their country—yea, the country's battles, whether the policy at Washington is right or wrong, or in support of crank propositions to abolish private enterprise and teach the people that they must depend on government for everything, or to follow sensational leaderships that, if they ever had any principle, have been denuded of it by selfishness.

The Democratic party must be up to date. It must not submit to being held back or chained to the past. There is no better ground than Ohio for a revival of true principles. The signs of the times are unmistakable. The Democrats of Indiana have taken a splendid forward step. The Democrats of other States have followed, and manifestly more are to come. The Ohio Democrats, than whom there have been no more faithful and patriotic, should not be laggards.

This is the testimony, this is the admonition, this is the advice of the leading Democratic paper of the country.

Now, a night or two ago there was a meeting of distinguished Democrats in the city of New York, and the chairman of that meeting in introducing the first speaker said:

We have with us here to-night the greatest of living Democrats.

Four years ago, or two years ago, I should have thought, of course—and we all would have thought—that he meant William Jennings Bryan; but we hear no more of him as the matchless leader, the great chieftain, the greatest living Democrat, and we find by looking over the report a little further that instead of William Jennings Bryan being introduced to that distinguished meeting of Democrats that it was the honorable ex-President of the United States, Grover Cleveland.

Omitting a few of his preliminary remarks, I want to quote a few words from the report of what he said at that meeting:

The Democratic party is far from political insolvency, but no one here should be offended by the suggestion that its capital and prospects have suffered serious injury since Mr. Tilden was elected President.

Not only serious injury, but many times it has gone into the bankruptcy court of public opinion, has been declared a bankrupt, has been given its discharge in the hope that it would go forth and do business in a more honorable and honest manner.

Then and afterwards Northern Democratic States were not curiosities; Northern Democratic Senators, now practically extinct, were quite numerous, and Northern Democratic governors, now almost never seen, were frequently encountered.

I am reminded by this of a little anecdote that was told by a sort of Sol Smith Russell friend of mine who took part in the campaign at the last election for President. Speaking of the fact that the Democrats would vote their ticket, right or wrong, that the Democratic majority in the South would be, as it always had been for years, given to the Democratic candidate for President in spite of the fact that the people of the South, recognizing the prosperity that had come to all the country, South as well as North, were in sympathy with the election of McKinley and the continuance of the Republican party and the Republican policies, he put it in this way. I shall not attempt to imitate his peculiar drawl and his droll way of stating it, but this was what he said: "All the electors north of Mason and Dixon's line will be for William McKinley. All the electors south of Mason and Dixon's line will be for William Jennings Bryan, and all the people south of Mason and Dixon's line will be glad that there are more electoral votes north of Mason and Dixon's line than there are south of it."

Cleveland went on to say:

If this state of impairment exists, an instant duty presses upon the managers of the Democratic establishment, and one which they can not evade with honor. Those of us less prominent in the party—the rank and file—are longing to be led through old Democratic ways to old Democratic victories. We were never more ready to do enthusiastic battle than now, if we can only be marshaled outside the shadow of predestined defeat. Is it too much to ask our leaders to avoid paths that are known to lead to disaster? Is it too much to ask that proven errors be abandoned, and that we be delivered from a death, and relieved from the burden of issues which have been killed by the decrees of the American people? Ought we not to be fed upon something better than the husks of defeat? If these questions are met in an honest, manly fashion, I believe it will be productive of the best kind of Democratic harmony.

I know that Grover Cleveland stands discredited with a large part of his party. I know that he is held responsible for many of the mistakes that were made during the time that he was President of the United States by the party which had elected him; but I know also that from Grover Cleveland and Watter-son and Hill and McLean are coming words of advice and admonition to the Democratic party which they must heed if they expect to succeed in the coming or in any other campaign of the future. Past issues, dead issues—issues which the American people can never sympathize with—will never be the means of riding again into power in this Government.

The Cincinnati Times-Star, commenting upon the editorial of the Enquirer, says:

The Democracy of the past eight years and its leaders have never had a more severe arraignment than was contained in that paragraph.

Now, Mr. Chairman, it seems from the debate in this House and from the utterances of those who would be leaders of the Democratic party that practically the issues which they seek to inject into the coming campaign will be two. The issue of imperialism, of holding on to the Philippines, or promising them an independent government at some future time; that is one. The other is the cry against the trusts. Outside of these two issues I have learned of nothing, I know of nothing, I can conceive of nothing that the Democratic party will put forth as a claim for the consideration of the country.

Now, let us look for just a moment at these issues. It is perhaps useless for me to repeat what has been said so many times and so much better than I can say it, that the Democratic party equally with the Republican party is responsible for the condition of affairs in the Philippines. It was the Democratic party which was largely instrumental in forcing the war with Spain. It was the Democratic party which insisted with a few of us Republicans—and I will admit I was one of them—that the President of the United States, after the destruction of the *Maine*, should immediately declare war.

It was the Democratic party that was specially insistent upon this in spite of the fact that the President wished to hold back until the country should be ready for the great struggle. It was the Democratic party that voted with us the appropriation for carrying on that war. It was the Democratic party, with the Republican party, which voted for the treaty of peace, and it was the great Democratic leader, William Jennings Bryan, who made it possible for the treaty of peace to be ratified in the Senate of the United States.

For the provisions of that treaty of peace as well as the declaration of war against Spain the Democrats are responsible as much as are the Republicans. And whatever the results have been, whether we are in the right or in the wrong, so far as the present situation is concerned, whether we have been wise or foolish in our policy, the Democrats joined with us in these two great initial steps. We have the Philippines, and it seems that the great question as between the two parties will be as to what we shall do with them. The Republican party believes that they are committed, that they are pledged, that the whole country is committed and pledged to the establishment of a peaceful and a permanent government of the islands, and proposes to leave themselves free to meet any condition that may arise in the meanwhile.

The Democratic party, without considering the needs, the happiness, the future of the people of these islands, insist that we shall put them at once on a status of absolute independence. They forget that it took hundreds of years—aye, up into the thousands—for the great Anglo-Saxon race in England to emerge from a state of serfdom to the condition such as exists to-day. Nations are not made in a day. A people can not be lifted from slavery to the heights of freedom in an hour. It took all these generations, through all the successive centuries, through all the growth and development of parliamentary law in Great Britain, to bring the British people to the condition of freedom and liberty in which they now stand.

Take the people of our own country a hundred years ago and compare them with our condition to-day, and what wonderful progress has been made in that time. For two hundred and fifty years we have been struggling in this country against Indian tribes. In four years we have gotten in the Philippine Islands to the point of restoring order among a more savage and a more treacherous people than the Indians. We have made wonderful progress. To-day we can look over the Philippines and feel that the dove of peace has almost settled with her white wings upon those islands.

Gentlemen speak of the cruelty of this war, and the cruelties that have been practiced and perpetrated by the officers and men of our army in the Philippines. Mr. Chairman, there never was a war but what was cruel; there never was a war but what there were instances of cruelty which shocked mankind. The conditions of peace and the conditions of war are two entirely different

states. Napoleon shot down thousands of insurgents at Cairo and burned others to death in their buildings; Sherman in his march to the sea destroyed the country through which he passed; Washington hung André and the British executed Hale; the massacre at Fort Pillow; the barbarities practiced in Southern prisons at Salisbury and Libby prison; all these are incidents of war. If it be true, as claimed, that a "howling wilderness" has been made in the Philippines, for one I am ready to believe that it was a necessity that this destruction of life and property should occur in order that the great and final end of bringing permanent peace to the islands might be accomplished.

It is not my intention to go into details or to make extended remarks upon this Philippine question. The country is familiar with all the facts. The people have formed their judgment, and it will be well for the Democratic party to heed the warning of the great paper from which I have heretofore quoted, and those words of admonition that "It can not win on a policy that makes it any degree out of sympathy with and admiration for the brave soldiers and sailors who are fighting the battles of their country—yea, the country's battles, whether the policy at Washington is right or wrong."

On the other possible issue, that of the trusts, even less is necessary to be said. Under the limitations of our Constitution it is difficult to enact stringent legislation, or even moderate and necessary laws, for the control of monopolies and trusts. To fully reach and regulate them it is the judgment of all persons at all familiar with the subject that the Constitution would have to be amended, and yet when the resolution for such a constitutional amendment to enable Congress to define, regulate, and dissolve obnoxious trusts and similar combinations was under consideration in the House of Representatives in the Fifty-sixth Congress, and when that resolution required a two-thirds vote to pass it, we can not forget that every Republican in this House, with two exceptions, voted for it and every Democrat except two voted against and defeated it, because the Republicans did not have the required two-thirds without the help of some Democratic votes. Thus, while clamoring against the trusts for party purposes and to catch votes, the Democratic members of this House refused to furnish the few votes that were necessary to start the legislation which would have ultimately placed the control of the whole question in the hands of Congress and the President.

The pretense that the Republican party or that the Republican policy of protection is responsible for the trusts, as commonly understood, is false and fraudulent. Only in so far as protection to American industries has built up and enormously increased all manufacturing interests in the United States, whether controlled by trusts or individuals, is our party to be credited with the fact that trusts are thriving. The tariff has nothing to do with trusts, except as it makes business. Trusts are a development of new conditions which have arisen in the business world, and would exist and did exist to a certain extent under free trade and with the Democratic party in power. They would exist to-day, although they might not do as much business, were every branch of the Government in the hands of the Democrats. Neither must we forget that the capital which is invested in these great combinations is not the capital of Republicans alone.

Were it possible to institute an inquiry as to the holders of interests in these great corporations, I venture to say that fully as many Democrats would be found participating in their profits as there are Republicans. The insincerity, therefore, of this whole cry of the Democratic party against the trusts stands on a par with the insincerity of the great portion of that party in their cry against the tariff and sound money; and as the people two years ago saw through the fallacy of their claims and relegated them to defeat, so in the coming campaign this fall and the greater one which will take place two years from now they will again express their disapproval and reinvest the party which they feel they can trust with the continued conduct of national affairs. [Loud applause on the Republican side.]

[Here the hammer fell.]

Mr. JONES of Virginia. I yield twenty minutes to the gentleman from Arkansas [Mr. DINSMORE].

[Mr. DINSMORE addressed the committee. See Appendix.]

Mr. JONES of Virginia. I yield ten minutes to the gentleman from New York [Mr. MCCLELLAN].

Mr. MCCLELLAN. Mr. Chairman, it can never be forgotten that the problem of imperialism was forced upon us by an act of Republican diplomacy, and that any evils that may have befallen or may befall our country, any scandals that may have occurred or may occur because of it, are and will be the direct outcome of an impossible system inaugurated by a Republican Administration.

No matter who may be responsible for existing conditions in the Philippines, there can be no difference of opinion as to our

duty in upholding the Army while it is under fire. [Applause.] It is to be deplored that the Army should have become in any sense a political issue. The Army is not, never has been, and, God willing, never will be, the asset of any one party. It belongs to the whole country, and its history is the common glory of the entire nation.

It is true that bad appointments have been made—officers have been commissioned for political reasons and promoted for partisan purposes. Some discredit has come to the Army from the ill-advised and intemperate utterances of certain unaccepted heroes. There may have been, and I fear there have been, acts of cruelty, of unjustifiable cruelty, committed by American soldiers in the Philippines, but let us not forget the provocation under which our men have suffered; let us not prejudice their case. [Applause.] It is so easy to prefer charges against men who are 10,000 miles away; so difficult for them to make their defense. It is so easy to accuse our soldiers of dishonoring the uniform they wear when they are not at home to prove their innocence. If any of our men have done wrong, let them be rigorously punished, but until their guilt is proved let us give them the benefit of the doubt and not hold the entire Army responsible for the acts of a few black sheep. [Renewed applause.]

If it is true that mistakes have been made in the Philippines, if it is true that regrettable incidents have occurred, common fairness and common justice require that we hold responsible those in authority who are to blame, and not sacrifice to unreasoning prejudice the humble instruments of a mistaken policy, who are only obeying the orders they have received and doing their duty.

I feel that I should be unworthy, as the son of a Regular and as a Democrat, did I not say a word in praise of the modest and unassuming man who, at 40 cents a day, has done more to make this country glorious than all the oratory of a century—the Regular of the United States.

There is no army on earth so near the people as is ours. It is recruited from all parts of the country and from every walk in life. Its men are taken from the plow and from the railroad, from the shop and from the factory. It represents the very bone and sinew of the people of the United States. It is swayed by the same passions; it is subject to the same failings and the same temptations; it has the same virtues and the same vices as have all of us. Its merits are our merits; its sins are our own.

Sweltering and fighting in tropical jungles by day, shivering and still fighting in tropical rains by night, ill fed and insufficiently clothed, dying from wounds and pestilence, showing consideration and humanity to savage foes, who are ignorant of the meaning of either word; ambushed, captured, and tortured to death; performing acts of dashing gallantry the mere recital of which sends the blood tingling through the veins of every true man, it is all part of the day's work for the Regular, and he does it without thanks and without hope of reward, because he has the traditions of the United States Army to sustain. [Renewed applause.] He accomplishes so much, so well, and receives in return so little, so grudgingly given.

There is not a patriotic American, be he Democrat or be he Republican, who does not breathe a prayer and thank God for the Regulars who are fighting for the flag. [Loud applause.]

Mr. JONES of Virginia. Mr. Chairman, I yield twenty-five minutes to the gentleman from Massachusetts [Mr. THAYER].

Mr. THAYER. Mr. Chairman, several months ago we passed a bill which we were told was to provide temporarily revenues for the Philippine Islands. That was the first move toward civil legislation for that people, and was, in my opinion, in contravention of the organic laws of our nation, against the spirit and essence of our institutions and the generous, just, and statesmanlike policies which have hitherto been promulgated in our Republic for a century and a quarter. That mistake was but the forerunner of those contained in this bill. One error or one mistake in the history of an individual or a nation does not long stand alone; others follow. This is a second step in the onward march toward the consummation of imperialism. It is but a natural and logical sequence and an exemplification of the historic fact that a nation which commits a wrong in its transactions with another people will endeavor to perpetuate, confirm, and firmly establish it by a series of wrongful acts. It gives evidence of a fixed purpose to continue the policy of colonial expansion maintained against an unwilling people through the dire necessity of terrible warfare, with all its attendant atrocities.

But all this, serious and lamentable as it is, might be borne and endured; but, above and beyond this, and transcending all in its deplorable effects, is the wanton and willing surrender of the precious heritage bequeathed to us by the fathers of the Republic—a heritage heretofore sacredly guarded as the altar of our national faith, the corner-stone upon which the superstructure of the Republic is erected—that of being a free people, standing

conspicuously first and quite alone among the nations of the earth for independence and self-government, not only for ourselves, but for every people seeking the same in every clime round the world, and unless there is an awakening of the conscience of the nation now there will be fastened irrevocably upon us the policy of colonial expansion and imperial armies.

Mr. Chairman, think, if you will; comprehend, if you can, the situation we this day occupy and the spectacle we present to the less favored nations of the Old World! We, the sons, but a few generations removed, of the Revolutionary fathers, waging a cruel war with fire and sword and all the attendant atrocities which inevitably must follow in the path of an attempt by a great, powerful nation to conquer, subjugate, and exterminate, if need be, an inferior people unaccustomed to civilized warfare and struggling only for a liberty like that which we enjoy and which we would sacrifice our lives, our treasure, and our all to defend and maintain.

That, briefly stated, is the situation we this day occupy. It is not my purpose to recite the events or restate the history and the conditions which prevailed when we entered upon this war of subjugation. This is unnecessary and futile. We are all agreed upon the history and the conditions. Every school child in the country can repeat them. There is no disagreement here. What we do disagree about is the propriety, necessity, or justice of entering upon and maintaining this war for the purposes for which it has been prosecuted. Upon this question good men, true men, patriotic men may differ and have honestly differed. I have always attempted to respect the opinions of those who have held and now hold views upon this question differing from my own, and I only ask in return to be treated with the same consideration.

I object to these latter-day statesmen who constitute the awkward squad of raw recruits practicing new tactics on the Constitution, in Congress or out of it, continually and insultingly insinuating and asserting that those who differ from them on this question are less patriotic or more indifferent to the welfare of this country and her institutions than they are. These people, drawing themselves to their full height, with the air of one who is all sufficient, ask "Who will haul down the flag?" as if the challenge contained in those words answered every argument, effectually silenced every opponent, and branded those who oppose this policy as disloyalists and traitors.

And yet, Mr. Chairman, I do not hesitate to accept the challenge and to tell who "will haul down the flag" in the Philippines. Some descendant of the old colonial soldier who raised it on the heights of Concord and Bunker Hill and planted it on the ramparts at Yorktown; a son of the old soldier who unfurled it on Little Round Top at Gettysburg and waved it over a reunited people at Appomattox; a messmate, it may be, of him who, after we had called all Europe to the deliverance of their ambassadors and ministers in China and to a restoration of peace and order there, and had permitted none of those powers to appropriate, capture, or control any portion of this great Empire of the East, pointing out to those powers the line and course of their departure home, hauled down the flag, unstained and unsullied, in China, amidst the cheers and expressions of thanksgiving of a grateful people; a comrade of him who, after the American Republic had given birth and life to the young Cuban Republic and brought her into the family of nations only last month, amid the shouts and benefactions of a free people, hauled it down in Cuba.

This is he in whose veins flows the blood of those who loved liberty and hated despotism, animated as were his great progenitors with a love of liberty, justice, and righteousness, who will haul down the flag in the Philippines amid the plaudits, prayers, and benedictions of 10,000,000 grateful people inhabiting the archipelago and with the sanction and approval of the liberty-loving people of the whole civilized world. When will he "haul down the flag?" After the Filipinos have laid down their arms and acknowledged our supremacy and our sovereignty, upon our announcement to them—which announcement should be made this day—that they may be free and independent and set up a republic of their own choosing, in their own way.

Those who disagree with us on the Republican policy toward the Philippines have no patent on patriotism. We have the past history of our country in our support. We have many of the great thinkers and the statesmen in the Republican ranks on our side, some of them at great personal and political sacrifice. We have the great organic law of the Republic in our defense. Why should we be timorous or silent, even if a present general of the Army, fuller of wine than wisdom, and released from constraint, does declare that he would prefer to see members of Congress who criticize this un-American Philippine policy and some features of the conduct of the war hanged than to look upon the dead body of a single soldier.

Mr. Chairman, has it come to this that a general of the Army,

a servant of the people, can with impunity assert upon public or quasi public occasion, in the forefront or the afterpart of a banquet, that he would like to see members of Congress hung, for no other offense except that they have attempted to perform the duty imposed upon each as they saw the light, and to convince by argument in a dignified and legitimate way those who oppose them?

Mr. Chairman, I would not willingly avail myself of the liberty of speech which this House afford to intentionally do anyone an injury, and least of all officers in the Army. I am pleased to believe that such inflammatory utterances as I have referred to have been indulged in by a very limited few and under circumstances and conditions when we ought not to hold the speaker to too strict an accountability. We should always bear in mind the frailty of human nature and how easily some people fall when tempted. I am willing to be generous, even at the expense of justice, in this matter, and I assume that General Funston intended his remarks to be taken in a Pickwickian sense, so to speak, but I think the fact still remains that his purpose was, if he was capable at the time of forming a purpose, to impress upon his hearers the idea that generally those who oppose the Philippine policy are less patriotic, love less their institutions, and are less interested and anxious for the welfare of the Republic than those who do not oppose it.

This I wish to resent with all the power of my being and to deny in the most positive and emphatic terms. Patriotism is not confined to any party or any zone, and much less to those alone who support this un-American policy. Patriotism knows no latitude or longitude. It is as broad as the American Republic and as deep and pure as the promptings of the soul. If there were needed in recent years evidence of the truth of this statement, it was furnished by the zeal and alacrity with which citizens of every State and Territory responded to the call when war was declared to liberate the Cuban people from the thralldom of a tyrannical ruler; and what is more to the point, when a call was made to prosecute this terrible war in the Philippines every State vied with every other State and Territory in contributing its full share to swell the ranks of the Army to the required number.

The attempt to place us in the light of criticising the Army is a claptrap argument, if, indeed, it rises to the dignity of argument, used purely for political purposes. It is known that the Democratic party is opposed to the present Republican Philippine policy; and if it can be made to appear that the opponents to the policy are criticising the Army, feeling will be engendered in the Army against those making the charges, and their attention directed from the atrocities complained of and from the waning popularity of the policy itself. It is true that the Democratic party is opposed to our Philippine policy; but it is not true that it is unfriendly to the Army or would, in the least degree, detract from the glory and honor of its great achievements.

The true, loyal, and patriotic citizen is ever ready to support the flag of his country, and wherever for the time being it floats, right or wrong, it must be defended and upheld. And may it ever be so. But that man is false to himself, false to his country, and false to his God, who in the councils of the nation and upon all proper occasions fails to cry aloud and spare not against any governmental policy or purpose, whether at the time popular or unpopular, which he honestly believes to be detrimental to the best interests of the Republic, contrary to the fundamental principles of the Government, and subversive of the rights of any people.

That General Funston was a brave soldier I do not doubt. I would not wish to deprive him of the credit due him for his intrepid bravery and dauntless bearing, which he displayed upon many occasions while at the head of his command in the war with the Filipinos. What, then, is the lesson to be learned by the strange conduct and stranger sayings of this brave general of the Army, when he traduces and insults those in whose keeping rests, in great measure, the civic power of this Republic? It has always been the proud boast of the American citizen that the greatness of the American Republic rested not in her great Army and Navy, but that the military was subservient to the civil authority, and that the strength and fortress of our power was in our civil institutions, which in turn rested upon the will of the individual citizen.

Who dares to contradict or deny that in the day when the military power assumes as of right greater dignity and control and takes upon itself the censorship of civil authority and civil life, that there is danger, great danger, to the Republic? Mr. Chairman, when we shall have emerged from this war; when armed resistance shall have ceased and peace is restored throughout the country and its possessions, we shall realize as never before how insidiously and imperceptibly the military has encroached upon the civil authority and prerogative, and in the changed conditions

and tendencies we shall be imitating as never before the monarchies and kingdoms of the Old World in the strength and influence of their armies and navies.

Those who are committed to the present Philippine policy are swift to assert that we who oppose this policy are attempting to bring the Army into contempt; that we are "railing at the Army"—to use one of their choice expressions. This is an unwarranted assertion, and wanting in the great essential of truth. The Army is now and always has been composed of the young men of both political parties. At the present time I am informed that there are more Democrats than Republicans in the Philippine Army, but no one is asked to what party he belongs or from what section of the country he comes. The only inquiry made is whether he is willing to defend the flag where for the time being it floats. Those who criticise the present policy are as anxious to defend and uphold the honor and glory of the American Army and to defend our brave soldier boys as are those who support and favor the policy.

It is true that attention has been called to a few isolated cases where the conduct and orders of generals and officers in high positions were unworthy of the noble character our Army has always sustained, and the alacrity and avidity with which these orders, in a few instances, were enforced and promulgated by men in the lower stations of the Army under these commanders, tended to cast discredit upon the character of the Army. Every good citizen should be willing and anxious to protect and defend the good name and high character which the American armies have always sustained, and he best serves this purpose who does not conceal but brings to light and makes known the reprehensible conduct of the individual few who alone should assume the responsibility, to the end that the general character of the Army may be vindicated. Far from being a condemnation, this is a vindication of the Army.

Let us be fair and just in this matter, and dispassionately consider what was the purpose of those who have called attention to these few cruel orders and atrocities, and what the effect has been. "To rail at the American Army," as our opponents would have one believe? Not at all. But rather that the blame might fall upon the very limited few of the officers and men who were responsible for the barbaric orders and inhuman treatment visited upon the Filipinos in the execution of those orders, and that the character and standing of the Army as an army might not suffer for the acts of the few. And, secondly, that the people might fully realize the truth of the somewhat inelegant but expressive characterization of war by one of the greatest generals this country ever produced, namely, that "War is hell;" and especially so when it is waged by a great and powerful nation, fruitful in resources and trained in the ways of the higher civilization, against a weak, ignorant, and but partially civilized people just emerging from subjugation and thralldom. Wars and conflicts between superior races and inferior races are always conducted with barbarity, cruelty, and atrocity. The science of civilized warfare in such cases descends to bushwhacking, treachery, and guerrilla warfare, accompanied by all the atrocities and butchery which the barbaric brain can conceive.

This is the history of all wars in every country where the conditions were similar to those in our conflicts with the Filipinos. There is no question but what our soldiers at times were exasperated to madness by the treachery and atrocities of the Filipinos as they decoyed our troops into impassable jungles and over inaccessible mountains, butchering, maiming, and murdering as opportunity offered or revenge dictated. The whole atmosphere of the situation was charged with lawlessness, rapine, and murder. It became contagious, and in a few instances our generals and men were infected with the contagion and descended to the low level of their surroundings. Thank God, the epidemic was confined to a few localities and to a few persons. As I have said before, all these conditions and results should have been anticipated at the beginning, and the responsibility rests upon those who urged on the war against those weak and defenseless people, struggling, as they have been struggling for these hundreds of years, for independence.

But what of the morrow? When will there be an end to this bloodshedding and carnage? Sixty thousand soldiers have been there most of the time for the last three years; over 30,000 are still there. We are told that the organized army of the Philippines has been dispersed or has surrendered to us, and that the fighting is now carried on by lawless roving bands from the impassable jungles and inaccessible mountain wilds. But if it requires 30,000 troops now to preserve peace and order and protect the lives of the people and the commercial interests in the main islands, when will it require less than that force under conditions which are likely to exist? When will the hope for independence and spirit of liberty become extinguished in the breast of that unfortunate people? Let us take counsel in this matter of the

greatest statesman the nation has ever produced. Daniel Webster, at the dedication of Bunker Hill Monument, in 1825, made use of this language, as true and as applicable to-day as when he uttered it:

If the true spark of religious and civil liberty be kindled it will burn. Human agency can not extinguish it. Like the earth's central fire, it may be smothered for a time, the ocean may overwhelm it, mountains may press it down, but its inherent and unconquerable force will heave both the ocean and the land, and at some time or other, in some place or other, the volcano will break out and flame up to heaven.

Every colonizing country on earth that has had other nations in subjection shows that it has been the fountain and source of all corruption and destroyed the ancient republics of the world. Greece existed in unmitigated splendor and colonized as much as any nation, but never in any instance did she attempt to retain rule over her colonies, but undertook to extend her domains over all her colonies, with the result attributed to this, that corruption overthrew the mighty power of Rome.

But we may be told that organized resistance in the Philippines is substantially at an end. This may be true; but if true, what need for the 30,000 soldiers now in the archipelago? Because we are making war upon a people, not merely upon organized armies in resistance; our mission is to subjugate the people and force them to submission and compel them to take the oath of allegiance. We have followed them to their homes, to their convents, their churches, to the jungles and the mountains, arresting every man who dares to lisp his aspirations for independence for his native land. We have gathered men, women, and children into reconcentrado camps, carrying out the wishes and orders of at least one general in making the inhabitants "want peace, and want it badly." Hence the necessity for a large standing army there to-day; and if necessary to-day for the purposes for which it is used, when, pray tell me, will there be less necessity for an army for like purposes? You may cry, Peace, peace, but there will be no peace.

A people bayoneted into peace, a people shot and stoned and burned into peace, are never loyal, peaceable citizens. The fire of hate and insurrection is ever smoldering, ready to break out when opportunity presents itself. This people may know not what is best for their present and future welfare; but they have heard of independence, they have prayed for liberty, they have been anxious to be free men for these many, many years. They have witnessed the prosperity, contentment, and wonderful growth and development of the American people enjoying liberty and independence. They believe they can imitate us—at least they wish to try the experiment, to take the risk—and they will never be content until the opportunity is given them and the trial made. Why should we of all people deny them this privilege? Is it because their liberty stands in the pathway of our commercial advancement and expansion in the Orient? God forbid!

What, then, Mr. Chairman, is our duty toward the Filipinos? I answer, Announce to them this day that if they will lay down their arms, submit to our authority, and acknowledge our sovereignty and keep the peace, self-government shall be accorded them and they shall be permitted to declare their independence and set up an independent republic of their own just as soon as they shall demonstrate their fitness and ability to do so.

Is liberty to be confined to any class or race or country? I answer, No. Do we regret that we bound ourselves to permit Cuba to be free and independent? Are not the Filipinos as competent for self-government as the Cubans?

LIBERTY FOR ALL.

They tell me, Liberty, that in thy name
I may not plead for all the human race;
That some are born to bondage and disgrace;
Some to a heritage of woe and shame,
And some to power supreme and glorious fame.
With my whole soul I spurn the doctrine base,
And, as an equal brotherhood, embrace
All people, and for all fair freedom claim!

Know this, O man! whate'er thy earthly fate,
God never made a tyrant or a slave.
Woe, then, to those who dare to desecrate
His glorious image! for to all He gave
Eternal rights, which none may violate;
And, by a mighty hand, the oppressed He yet shall save!

[Loud applause on the Democratic side.]

Mr. COOPER of Wisconsin. I yield to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Chairman, I have listened with great interest to many of the speeches which have been made upon this bill, both in the Senate and in the House, and am prepared to support the measure.

But while I shall vote for the bill, I do not altogether approve of that section which relates to the coinage of silver. I am free to admit that, under the circumstances, it may for a time, at

least, work well in that far-away country, where they have not yet broken away from the free use of silver.

My objection is that if we are to retain possession of the Philippines and they are to become a part of our nation they should be provided with the same form of currency and with the same standard of money that we have here.

To provide any other system must operate to postpone that full interchange of business relations to which we must look as the real bond of union that is to bring the people of the two countries together.

Whatever system is adopted, however, I am absolutely sure that if the Philippines are to be a part of our own nation it will only be a matter of a short time before our system of currency will be adopted in those islands.

But, Mr. Chairman, I regard the early construction of an isthmian canal as the most important step in our retention and defense of our new Eastern possessions, and I sincerely hope that no difference of opinion as to which route shall be selected—Panama or Nicaragua—will stand in the way of our Government immediately entering upon this work.

Mr. Chairman, since the Hepburn bill left the House the whole aspect of the canal question has changed very much. New light has been thrown upon the situation. The Isthmian Canal Commission has made a new and unanimous report against the Nicaragua and in favor of the Panama route.

In response to very close questioning, the different members of the Commission have pronounced the Panama route the more feasible, the shorter, the more easily constructed, the fewer obstacles to overcome, the less expensive to build, the less costly to maintain, the more easily navigated, and, altogether, the most practical in every way.

This Commission was made up of honorable, independent, and capable men, distinguished as engineers and experts in the construction of great works. They did their work most conscientiously. There is no man who will, I presume, dispute the honest work of this Commission.

Now all this being true, it furnishes abundant reason why any man who has heretofore supported the Nicaragua proposition and who voted for it in the House should change his mind and vote for the Senate amendment. No man who has consistently and conscientiously for all these many years advocated the Nicaragua Canal—talked it, dreamed of it, never having a thought for any other route—need to-day feel that he is recreant to his duty, false to his idol, or chargeable with the least inconsistency by voting for the Senate amendment.

There is enough that is new in the situation to absolve him absolutely from his hitherto faithful adherence to the Nicaragua route.

Both the Panama and Nicaragua in the course of construction will probably develop many surprises, but while in the case of the Nicaragua they are likely to be in the nature of unlooked-for difficulties, in the case of the Panama they are likely to be in the nature of unlooked-for facilities or advantages. Certainly there are more unknown quantities in the Nicaragua than in the Panama.

TITLE.

I do not believe that anyone can successfully assail the title that the Government receives from the French company. It is given by a liquidator or receiver and comes by the way of the courts, and I understand that a title by a receiver through the courts is regarded as one of the best titles that can be given either in France or the United States.

The adoption of the Senate amendment insures a canal at the earliest possible moment.

It practically guarantees that there will never be but one canal. For if it is built the Nicaragua Canal will never be built.

It is the consensus of engineering and expert opinion that the Panama Canal, when completed as a lock canal, can be changed to a sea-level canal. It is only a question of time and money.

I believe that long before the canal is completed, if not when the Government enters upon the work, steps will be taken to make it a sea-level canal, and that, too, without interrupting its use as a lock canal.

The same expert opinion holds it practically an impossibility to make a sea-level canal at Nicaragua.

Panama has less deviations from straight lines, and its curvatures are of larger radii than Nicaragua.

Panama has a lower summit level by 22 feet than Nicaragua, and it is believed that long before completion it will be still further lowered.

The summit level of Nicaragua can never be lower than Lake Nicaragua itself.

The fact that there is a railroad in full operation at Panama simplifies the construction of that canal. The fact that the cost

of maintenance of Panama is \$1,850,000 less means, at a capitalization at 2 per cent interest, a saving of \$65,000,000 over Nicaragua.

The shorter route, the shorter period of transit. The saving in underwriting, the completed harbors at both ends of the Panama Canal, together with many more obvious advantages, constitute sufficient reasons for adopting that route.

The Senate amendment can safely be adopted, because it means a canal at all events.

There can no longer be any force in the claim that a vote for Panama means no canal. The Senate amendment wipes that all out, and any persistent use of such an argument fails of its mark.

If we are to contend for an open door in the Orient, we certainly ought to have an open gate leading to that door through the great roadway from the Atlantic to the Pacific. [Loud applause.]

Mr. JONES of Virginia. The gentleman from Massachusetts yields back the time that he did not occupy.

Mr. COOPER of Wisconsin. I move that the committee rise.

Mr. JONES of Virginia. I ask the gentleman to withdraw that motion for a moment.

Mr. COOPER of Wisconsin. I will do so.

Mr. JONES of Virginia. I yield one minute to the gentleman from Tennessee [Mr. SIMS].

The CHAIRMAN. The Chair desires to state to the gentleman that there is a little necessary business to be transacted, and the order of the House prescribes that the committee shall rise.

Mr. JONES of Virginia. Then I yield half a minute.

Mr. SIMS. Mr. Chairman, a day or two ago we had up the general deficiency bill and there were certain State claims discussed. I asked for certain details from the Treasury Department, but they did not come to me until after my remarks were printed in the RECORD. I only wish to submit these papers as a supplement to my remarks and let them go into the RECORD.

The CHAIRMAN. Without objection, that leave will be given.

The correspondence is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, June 18, 1902.

SIR: As requested by you to-day, I have the honor to inclose herewith report from the Auditor for the War Department, addressed to me, having reference to the settlement of the accounts of the States of Pennsylvania, New Hampshire, Maine, Rhode Island, Ohio, Indiana, Illinois, Michigan, and Iowa, reopened and adjusted under the act of February 14, 1902.

Respectfully,

L. M. SHAW, Secretary.

Hon. T. W. SIMS,
House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,
Washington, June 12, 1902.

The SECRETARY OF THE TREASURY.

SIR: I have the honor to make the following report relative to claims of various States filed in this office for refundment of moneys paid as interest and other expenses incidental to procuring funds to suppress the rebellion in 1861 and subsequent years:

In respect to the action taken upon claims of this nature by the accounting officers of the Treasury prior to the decision of the Supreme Court rendered January 6, 1896, in the case of the State of New York v. United States (160 U. S. 568), it is sufficient to say that such claims were uniformly disallowed, as it was contended by the accounting officers of the Treasury that the act of Congress approved July 27, 1861, under which claims for expenditures incurred in raising troops during the rebellion were filed made no provision for the allowance of claims for interest charges.

The claims covering expenditures of the above nature, which had been filed in the Treasury Department prior to the decision of the Supreme Court above referred to, and the action taken thereon, are herewith set forth:

State.	Amount.	When filed.	Disposition.
Connecticut	\$41,303.83	Mar. 14, 1862	Disallowed Dec. 20, 1886.
New York	131,188.02	May 23, 1862	Allowed by Court of Claims; paid June 24, 1896.
Do	65,624.24	Dec. 28, 1891	No action.
Rhode Island	2,754.85	Mar. 4, 1863	Disallowed Aug. 13, 1886.
Illinois	433,112.03	Oct. 14, 1867	Disallowed Oct. 4, 1889.
Indiana	606,979.41	June 8, 1868	Disallowed Oct. 11, 1886.
Do	107,497.21	Oct. 4, 1889	No action.
Kentucky	973,701.62	Jan. 29, 1879	Disallowed Aug. 12, 1886.
Ohio	452,247.89	May 11, 1881	Disallowed Aug. 2, 1886.
Michigan	320,487.81	June 11, 1883	Disallowed Sept. 19, 1893.
Oregon	143,817.87	Aug. 21, 1884	Disallowed Mar. 14, 1889.
Total	3,278,774.78		

There are involved in these claims items of discount, brokerage, printing, and other expenses more fully set forth in Exhibit A, page 22 of Senate Executive Document No. 133, first session Fifty-fifth Congress, as well as claims for interest on delayed payments, and interest actually paid by the States.

The history of the claim of the State of New York, in which the Supreme Court of the United States rendered a decision January 6, 1896 (160 U. S. 568), in favor of the State, and upon which decision are based the claims of other States subsequently filed, may be briefly set forth as follows:

At the beginning of the war the State of New York was without funds, and in order to properly equip troops the State borrowed on comptroller's bonds \$1,250,000, and from the canal fund of the State \$518,110.78.

May 26, 1862, the State of New York filed in the Treasury Department a claim against the United States for amounts expended under the act of July 27, 1861, including the items of interest actually paid by the State on funds borrowed as above indicated.

All claims by New York under this act for reimbursement of moneys directly applied in equipping volunteers as aforesaid were allowed and paid or otherwise disposed of by the proper accounting officers, but claims for interest upon moneys borrowed were not allowed.

It was not denied that the moneys realized were applied to promote the raising of troops to aid the United States; in fact, it was clearly shown that the State, with these funds and other resources, raised and put into the field 38 regiments of infantry and furnished large supplies of clothing, arms, and munitions of war in the spring and summer of 1861. It also appears that the principal sums borrowed and so advanced have long since been repaid to the State by the United States, but the action on the item of interest was suspended by the accounting officers, as such charge in their judgment did not come within the purview of the act of 1861, under the provisions of which the claims were filed. In June, 1882, the Secretary of the Treasury transmitted to the Attorney-General all the papers and requested his opinion whether the claim of the State of New York for interest paid by that State on money borrowed and expended in enrolling, etc., its troops employed to aid in the suppression of the rebellion was within the provisions of the act of July 27, 1861.

The opinion given by the Attorney-General under date of July 23, 1883, was in substance that while the interest paid by New York on moneys borrowed and applied to the object specified in the act of 1861 forms a part of the burden borne by that State for the general public defense and constitutes a just charge against the United States, to construe the provisions of that act so as to include such expenditures would be giving them a meaning much broader than that which has in practice been given other legislation of like character and purpose.

It is therefore seen that the opinion of the Attorney-General was unfavorable to the allowance of the charge for interest under the provisions of the act of 1861 and fully coincided with the views of the accounting officers.

At the request of the State the Secretary of the Treasury, on or about January 3, 1889, under the provisions of section 1063, Revised Statutes, United States, transmitted the claim with all the vouchers, papers, briefs, and documents pertaining thereto, to the Court of Claims, there to be proceeded in accordance with law.

The Court of Claims disallowed so much of the State's demands (\$39,867.18) as represented interest paid by the State on moneys borrowed from the canal fund, and gave a judgment in favor of the State for \$91,320.84, being interest on \$1,250,000 comptroller's bonds issued in 1861.

From this judgment the United States appealed to the Supreme Court; the State also appealed.

The Supreme Court, after an exhaustive review of authorities as to the jurisdiction of the Court of Claims to entertain and consider the case, refused the motion of the United States to dismiss the appeal of the State, and proceeded to examine the case on its merits.

The Supreme Court confirmed the action of the Court of Claims in giving judgment to the State for \$91,320.84, paid as interest on the comptroller's bonds, and held that there was no difference in principle between the claim for \$91,320.84 and the claim for \$39,867.18. Hence the action of the Court of Claims denying the claim for \$39,867.18 was reversed and the case remanded for further action; whereupon the Court of Claims rendered judgment for the amount claimed; viz, \$131,188.02. The decision of the Supreme Court is quoted at much length in the decision of the Comptroller of the Treasury of April 14, 1902, in the claim of the State of Indiana, as set forth in full below.

Under the decision in the case of the State of New York it was contended before the accounting officers that the prior action in these cases was erroneous, and on December 14, 1893, the State of Pennsylvania filed in the office of the Auditor for the War Department a claim for refundment of \$1,864,288.04, alleged to have been paid as interest and other incidental expenses incurred in borrowing the money expended in aiding the United States by raising volunteers in 1861-1865.

On May 24, 1898, the Auditor for the War Department transmitted this claim to the Comptroller of the Treasury for his decision, the Auditor being precluded from favorably considering the claim because of the then existing construction of the act of 1861, as indicated by the decision of the Second Comptroller of the Treasury, dated December 29, 1877. (Vol. 3, Dig. 2d Compt. Dec., par. 629.)

The claim was returned by the Comptroller of the Treasury to the Auditor for the War Department August 16, 1898, with opinion, as follows:

"The Auditor for the War Department May 24, 1898, made the following decision, and has submitted the same for approval, disapproval, or modification:

"I have the honor to transmit herewith the papers in the claim of the State of Pennsylvania, under act of July 27, 1861 (12 Stat., 276), for the reimbursement of the sum of \$1,864,288.04 for an alleged actual outlay in pay of interest on money borrowed for the purpose of enrolling, subsisting, etc., the troops of the State, and for other items of incidental expenses connected therewith not allowed in the several claims heretofore presented by the State and adjusted by the accounting officers under the act above cited.

"The State of Pennsylvania has presented from time to time to the Department under this act various claims and accounts, aggregating \$3,563,974.82, and there have been allowed and paid to the State amounts as follows: (Vide compilation in Auditor's letter.) The amounts allowed in these settlements include the amounts expended by the State for the use of which the \$1,864,288.04 now claimed was expended as interest and incidentals.

"In his decision of December 17, 1897 (4 Comp. Dec., 328), the Comptroller of the Treasury held that where a claimant has heretofore presented and has been allowed a claim for a part of an entire demand arising out of the same service and in the same right, such partial allowance is a settlement of the whole demand, and the subsequent application for the remainder will be disallowed. In that decision he said, 'It is not sufficient excuse to say that at the time of the allowance of the former claim, if presented, it would have been disallowed by the accounting officers under the rules then prevailing.'

"* * * That was the time and forum for settling the entire matter, and it affords no legal excuse for dividing his claim and presenting it piecemeal."

"In view of this decision, I am of the opinion that the interest paid for the use of the money expended, the cost of floating the loan and the premium paid for gold as claimed in the present demand, are incidental to and so intimately connected with the amount claimed in former settlements as not to constitute a separate demand, and that the settlement of the claims for the principal expended by the State was a disallowance of the amount now claimed. Therefore the claim is forwarded to you as a request for a rehearing under Circular No. 84 of April 25, 1895.

"Further, if it be held that the claim as presented is not covered by the

settlements already made, it can not now be allowed by this office. The question of reimbursement of a State for its actual outlays in payment of interest on money borrowed for the purpose of enrolling, subsisting, etc., the troops of the State under act of July 27, 1861, has been several times passed upon by different Second Comptrollers, and such claims have been uniformly disallowed. (See par. 529, 2d Comp. Dig., vol. 3.)

"Under the decision of the Supreme Court, in case of the United States v. New York (160 U. S. R., 598), however, I am of the opinion that if the claim now presented were open for consideration, the State would be entitled to reimbursement for the interest paid by the State on moneys borrowed for the purpose of enrolling, subsisting, supplying, etc., troops to be employed in suppressing the rebellion, as well as the other legitimate incidental expenses properly incurred in procuring the money for said purpose, and that the same are part of the 'costs, charges, and expenses properly incurred' within the meaning of the act of July 27, 1861."

"Unless it can be held that the present claim for interest is so intimately connected with the amount claimed in former settlements for the principal expended by the State as to be a part of the same demand, this case is not one on which a request for a rehearing can arise. If it be viewed as a request for rehearing it must be denied, because the evidence now presented is not newly discovered, and no legal reason is seen why it was not presented with the principal claims."

"Viewed as a new claim recently presented, the State would be entitled, under act of July 27, 1861, supra, to reimbursement for amount properly expended as interest on money borrowed to equip troops as part of the 'costs, charges, and expenses' mentioned in the act (see United States v. New York, 160 U. S. R., 598), provided the claim is now properly before this Department and open for settlement. The decision of the Second Comptroller, found in section 529, volume 3, Second Comptroller's Digest, is hereby reversed. This claim, however, brings up controverted questions of fact and law upon which it seems desirable to obtain the decision of the Court of Claims for the guidance and action of the accounting officers and to furnish a precedent in other cases."

Therefore, if the Auditor deems it proper, it is within his power to transmit the same to that court under the provisions of section 2 of the act of March 3, 1883 (22 Stat., 485) (Bowman Act). Some of the questions upon which a decision seems desirable may be stated as follows:

"1. Have the accounting officers jurisdiction to entertain, adjust, and settle this claim on its merits under the decision in the case of the United States v. New York (160 U. S. R., 598)?"

"(a) Is this claim for interest on money borrowed and expended in equipping troops so intimately connected with the principal claims already allowed that the interest claim can be held to have been settled in the settlement of the principal claims, on the doctrine that a claimant can not be allowed to split up his cause of action?"

"(b) In view of the long delay in presenting this claim, is it a 'stale claim,' which the accounting officers should not entertain, adjust, and settle on its merits?"

"2. If the accounting officers have jurisdiction and should settle the claim, for what time ought interest to be allowed?"

"(a) Where long-time bonds were issued, should interest be allowed to the maturity of the bonds; if not, to what lesser time should it be allowed?"

"(b) Should interest be allowed beyond the time necessary for the State to levy a tax and collect the money required for the principal expenditure?"

"3. If the court finds it has jurisdiction to determine the amount due, what amount, if anything, is the State entitled to on the evidence and facts presented?"

Following the suggestions of the Comptroller in the decision above quoted, the Auditor for the War Department, October 19, 1898, submitted the claim of the State of Pennsylvania to the Secretary of the Treasury for transmittal to the Court of Claims in terms as follows:

"THE SECRETARY OF THE TREASURY.

"SIR: I have the honor to transmit herewith for reference to the Court of Claims, under section 2 of the act of Congress approved March 3, 1883 (22 Stat., 485), otherwise known as the Bowman Act, and there to be proceeded in according to the provisions of said section, the claim of the State of Pennsylvania, aggregating \$1,864,288.04, filed in this office December 14, 1896, for reimbursement of interest on moneys borrowed and expended in raising and putting into the field troops for the service of the United States, in aiding to suppress the rebellion, and also items of incidental expenses connected therewith."

"The section under which the reference is requested reads as follows:

"SEC. No. 2. When a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such department may transmit the same with the vouchers, papers, proofs, and documents pertaining thereto to said court, and the same shall be there proceeded in under such rules as the court may adopt, when the facts and conclusions of law shall have been found; the court shall not enter judgment thereon, but shall report its findings and opinions to the department by which it was transmitted for its guidance and action."

"The claim in question and now pending is itemized as follows:

Interest on \$475,000 temporary loan authorized by State act of April 12, 1861.....	\$12,533.34
Interest on \$3,000,000, ten-year war-loan bonds authorized by State act of May 15, 1861. (Paid by the treasurer of the State of Pennsylvania).....	15,040.51
Interest on \$3,000,000, ten-year war-loan bonds authorized by State act of May 15, 1861. (Paid through the Farmers and Mechanics' Bank, Philadelphia, Pa.).....	1,768,636.50
Amount paid as premium on gold.....	53,303.98
Amount of expenses paid in floating the loan authorized by State act of May 15, 1861.....	9,773.71
Total.....	1,864,288.04

"The State claims reimbursement from the United States for the entire sum under the act of Congress of July 27, 1861 (12 Stat., 276), which directs the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State, or to his duly authorized agents, the costs, charges, and expenses, properly incurred by such State, for enrolling, supplying, paying, transporting, etc., its troops employed in aiding to suppress the rebellion, to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury."

By joint resolution of Congress, approved March 8, 1862 (12 Stat., 615), the act of 1861 was construed to apply to expenses incurred after, as well as before, its passage.

"The State of Pennsylvania has presented from time to time to the Department, under the act of July 27, 1861, various claims and accounts (exclusive of the pending claim for interest, etc.) aggregating \$3,568,974.82, and

there have been allowed and paid to the State at various times sums as follows:

Number and date of settlement.	Amount.	How disposed of.
8689 of 1866.....	\$112.50	Credited to the State Feb. 2, 1866.
3333 of 1867.....	605,887.50	Credited to the State Apr. 24, 1867.
	1,304,711.43	Carried to credit of State on account of direct tax May 1, 1867.
8848 of 1868.....	78,516.89	Paid to the State May 1, 1867.
4444 of 1870.....	105,651.46	Paid to the State Oct. 28, 1868.
5927 of 1871.....	136,846.09	Paid to the State Aug. 26, 1870.
6318 of 1871.....	137,822.59	Paid to the State Apr. 11, 1871.
6085 of 1871.....	242,167.57	Paid to the State May 15, 1871.
7353 of 1875.....	208,753.08	Paid to the State June 23, 1871.
4742 of 1877.....	2,865.61	Paid to the State Aug. 11, 1875.
63 of 1878.....	58,490.41	Paid to the State Oct. 29, 1877.
676 of 1878.....	22,557.75	Paid to the State Mar. 4, 1878.
3374 of 1879.....	29,527.23	Paid to the State July 6, 1878.
5877 of 1879.....	8,236.56	Paid to the State Mar. 10, 1879.
7027 of 1880.....	59,005.78	Paid to the State July 1, 1890.
2673 of 1881.....		
5693 of 1882.....	94,561.15	Paid to the State Aug. 9, 1882.
237 of 1881.....	5,156.06	Paid to the State Mar. 19, 1881.
7398 of 1883.....	33,736.58	Paid to the State Mar. 15, 1883.
5698 of 1885.....	4,373.50	Paid to the State Mar. 18, 1885.
3051 of 1886.....	3,949.53	Paid to the State Feb. 8, 1888.
7175 of 1887.....	1,892.29	Paid to the State Apr. 10, 1888.
8900 of 1887.....	1,001.39	Do.
9430 of 1890.....	7,546.83	Paid to the State Oct. 14, 1890.
8017 of 1893.....	765.06	Paid to the State Sept. 24, 1894.
9609 of 1894.....	875.65	Paid to the State Mar. 12, 1895.
Certificate 230539.....	155.51	Paid to the State Mar. 23, 1897.
Total.....	3,225,220.80	

"The amounts allowed in these settlements include the amounts expended by the State for the use of which the \$1,864,288.04 now claimed was paid as interest and incidentals."

"This claim, however, presents controverted questions of law and facts, upon which it seems desirable to obtain the decision of the Court of Claims for the guidance and action of this office. The questions upon which a decision seems desirable may be stated as follows:

"1. Have the accounting officers jurisdiction to entertain, adjust, and settle this claim on its merits under the decision in the case of the United States v. New York (160 U. S. R., 598)?"

"(a) Is this claim for interest on money borrowed and expended in equipping troops so intimately connected with the principal claims already allowed that the interest claim can be held to have been settled in the settlement of the principal claims on the doctrine that a claimant can not be allowed to split up his cause of action?"

"(b) In view of the long delay in presenting this claim, is it a 'stale claim,' which the accounting officers should not entertain, adjust, or settle on its merits?"

"2. If the accounting officers have jurisdiction and should settle the claim, for what time ought interest to be allowed?"

"(a) Where long-time bonds were issued, should interest be allowed to the maturity of the bonds; if not, to what lesser time should it be allowed?"

"(b) Should interest be allowed beyond the time necessary for the State to levy a tax and collect the money required for the principal expenditure?"

"3. If the court finds it has jurisdiction to determine the amount due, what amount, if anything, is the State entitled to on the evidence and facts presented?"

"I transmit all the papers, proofs, documents, etc., pertaining to the claim, as required."

Subsequent to the filing of the claim of the State of Pennsylvania, other States filed claims of a similar nature, which were likewise transmitted to the Court of Claims, through the Secretary of the Treasury, in compliance with the suggestions of the Comptroller of the Treasury, under section 2 of the Bowman Act, as follows:

State.	Amount.	When filed.	Sent to Secretary of the Treasury.
Connecticut.....	\$625,265.37	May 29, 1899	June 5, 1899
Rhode Island.....	341,203.41	Jan. 28, 1898	Oct. 24, 1898
New Hampshire.....	780,369.63	Mar. 22, 1899	Jan. 3, 1899
Maine.....	212,678.62	Apr. 20, 1898	Jan. 14, 1898
Massachusetts.....	2,598,344.47	Sept. 15, 1899	Sept. 26, 1899
Kansas.....	487,915.33	Nov. 20, 1901	Jan. 4, 1902
Vermont.....	125,000.00	Dec. 28, 1901	Do.
Wisconsin.....	435,760.68	Jan. 13, 1902	Feb. 6, 1902

"The Court of Claims on October 23, 1901, rendered an opinion in the claim of the State of Pennsylvania v. United States (36 Ct. Cl., 507), as follows: 'Howry, J., delivered the opinion of the court.'

"The findings establish payment by plaintiff of certain incidental expenses and large sums by way of interest on account of certain temporary and extended loans made on obligations of the State of Pennsylvania (for which as to the long-time loans registered and coupon bonds were duly authorized and issued) for money borrowed and used by the State in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops, under the act of Congress approved July 27, 1861 (12 Stat. L., 276), and the joint resolution of March 8, 1862 (12 Stat. L., 615)."

"But the State did not present any claim on account of these expenditures until December 14, 1896, alleging as an excuse therefor that prior to the time when the claim accrued the accounting officers of the Treasury, as well as the Attorney-General of the United States, had decided that the act of 1861, supra, did not give the Secretary of the Treasury jurisdiction to adjust and settle claims for expenditures on account of interest, in consequence of which the State deferred presentation of its claim until the Supreme Court of the United States determined in the case of the State of New York against the United States (160 U. S. R., 598) that similar expenditures for interest were recoverable. Thereupon the claim was presented to the Treasury, but the Secretary, deeming that controverted questions of law and fact had arisen in considering the matter of any payment at all, or if payable that uncertainty existed as to the method of adjustment, transmitted the record pertaining to the matter to this court, under the provisions of section 2 of the act of March 3, 1883 (22 Stat. L., 485), with certain inquiries now to be considered."

"No doubt exists as to the justice of this demand for interest expended. Such expenditures when actually disbursed became a part of the aggregate principal properly paid by the State for the General Government, according to the decision in *United States v. New York*, (100 U. S. R., 621.) So by this decision no question arises as to the propriety of the expenditures for interest.

"But it is argued for defendants that Pennsylvania did not claim anything for interest on money borrowed for a period of more than thirty years after all her other claims had been presented and substantially adjusted and paid, which must be taken as proof that the present claim is stale; that the effect of its being withheld, together with claimant's acquiescence in the rulings of the Treasury Department, establishes staleness, which necessarily excludes any payment whatever now; and further, that as claimant did not bring suit in this court within the statutory period of limitation, the Secretary should be advised that such failure works an estoppel upon the belated assertion of the demand; that the claim is too intimately connected with the principal claims already allowed to admit of further consideration, because the State can not be allowed to so divide its original cause of action as to be entitled to further payments."

"Thus it will be seen that there is precedent for the anomaly that the statute of limitations may apply to a right of action in this court, and not for an accounting at the Treasury."

"The door for settlement at the Treasury may not always be open, however, by reason of the laches of the claimants so operating upon the rights of the Government as to cause prejudice to its interests, or the conduct of the claimant be such as to estop the further assertion of the demand."

"While there must at some time or another be an end of accounting, and creditors of the Government must not unreasonably delay presenting their demands, and while it is true an equitable bar may sometimes arise from lapse of time in cases not strictly within any statute of limitation, it is also true that circumstances may relieve the failure to present if it does not appear that the relative position of the parties has changed."

"Here, it appears, the legislature of the State of Pennsylvania authorized its obligations, with interest, for the purposes stated in the act of 1861; the State records contain the numbers of the obligations and the amounts for which they were respectively issued, and the archives disclose possession of these evidences of debt, together with the data necessary to determine the precise sums expended. The details of the transactions are accessible now as ever. The accounting officers of the Treasury erroneously declared, very early after similar demands were presented, that reimbursements for interest expenditures were not payable to any State. Their action was accepted as correct by the Secretary and his course was approved by the chief law officer of the Government. The United States lost no right and the State gained no advantage by the nonpresentation of the claim. Under these circumstances it would be a harsh application of the rule respecting diligence to now say that the Secretary had lost jurisdiction because of his erroneous decision and the inaction of the State because of that mistaken view of his authority."

"Especially would such a declaration appear to be unjust and wholly technical in view of the continued presentation of claims and payment, under the statute, of other war claims of the State of Pennsylvania. Beginning March 1, 1862, and ending December 5, 1862, 16 separate claims were presented by the Commonwealth; and during the time extending to March 12, 1865, the Treasury made as many as 25 separate payments. The intervening time from the presentation of the last allowed claim of the State to the presentation of its final demand was something under five years. Large items in the claims already adjusted were presented twenty years or more after such items had accrued. If the unpaid claim now being considered can not be settled for want of a place of adjustment, or for staleness, or because of the bar of the period of limitation, in case of suit, then some of the claims heretofore settled would seem to have been unlawfully paid."

"Such a distinction in the practice of the Treasury Department in dealing with proper expenditures of plaintiff should not operate as an estoppel even though it appears the State paid its last installment of interest on its bonds in 1872. The doctrine of estoppel for failure to present, a doctrine not favored in the law, can not be invoked by the party whose officers erroneously decided presentation to be a useless proceeding. Estoppel might arise against a party where his own conduct has caused another to act differently from a course which otherwise such person might pursue without reference to a statute of limitation. It can not rest by mere silence upon a departmental ruling adverse to jurisdiction, with no additional rights acquired by a claim and no injury done to the debtor in the meantime."

"The respective payments of interest were disassociated from the payments of other lawful expenditures of plaintiff. These payments were made at separate times and from funds raised by taxation. In dividing its accounts, the State was excused from presenting all the claims together by the practice of the Treasury in dealing with the various expenditures."

"Other questions relate to the time interest ought to be allowed; that is, treating the interest payments as principal under the decision in the *New York* case, whether interest shall be allowed to maturity on the ten-year bonds of the State or to the time when they were redeemed."

"The method of raising money by Pennsylvania was not in the main different from that adopted by the State of New York, except as to the length of time the bonds had to run. The loan on the ten-year bonds in 1861 covered a shorter period than any loan made to the State prior to 1860. Loans had been generally obtained before that time payable in from twenty-five to thirty years. The act of 1861 and the supplemental joint resolution to that act did not restrict the State in the means it should adopt to raise the money. The United States agreed to reimburse all costs, charges, and expenses properly incurred. If long-time bonds were needlessly issued a different question would arise, but it has not been made to appear that the credit of the State was uselessly or improvidently put forth, or that it was not the quickest way of raising money for the purposes it was immediately wanted. It does not appear that the ready cash was in the State treasury at the time."

"It is true the State might have raised the large amounts needed by direct taxation upon its citizens. In the stress of the times that may have been proper, but certainly not most expedient. It was deemed best, in the exercise of the sovereign power of the State, to raise revenue for some of its public purposes by authorizing and issuing bonds. The emergency was great, and the good faith of the State in the premises has never been nor can ever be questioned. Under these circumstances it can not be said that the interest expended was improper."

"Besides the items of expenditure by way of interest, expenses were incurred by the State in negotiating a loan on \$3,000,000 of its obligations under an act of the legislature of May 15, 1861, which authorized the State to issue bonds for the purposes named in the act of Congress. There was also expended for premiums on gold in the payment of interest on these bonds the amount shown by the report of the auditor. The expenses incurred in negotiating the loan amounted to \$9,773.71, and the premium on gold aggregated \$58,303.98."

"The court will take judicial notice of the history of the times, of the financial conditions prevailing throughout the country, and other circumstances affecting the public credit in the efforts of the State to float its bonds. That difficulty existed in the attempt to use the credit of the State to the best advantage appears certain, and in securing the services of a fiscal agent to fa-

cilitate the negotiation of its bonds without loss and paying the sum proven to have been paid we think the expenditure was proper. The disbursements on this account have the additional merit of being entirely reasonable."

"The payment of premiums on gold were a necessity at the time. The terms of the State's contract required specie payments. Gold was at a premium, and with the advancing storm of war continued to rise in value. The authorities of the State were fortunate in not having (by mere delay) to pay more of a premium on the gold necessary to meet the interest on the bonds of the State as that interest fell due."

"The amount of direct tax chargeable against the State under the act of August 5, 1861 (12 Stat. L., 235), was formally credited in the Treasury Department some time after it became due and chargeable. Under an apportionment of this direct tax to the several States the quota of Pennsylvania was fixed at \$1,946,719.33. The balance due by the State after deducting the 15 per cent provided by the act imposing the tax was \$1,654,711.44. There was sufficient recognition on June 30, 1862, by the United States of its liability to reimburse the State for its expenditures as to justify credit to the State of the amount of the direct tax as of the date above given. The fact that difficulties subsequently arose in the adjustment of the State's accounts, as presented in June, 1862, and that various items may have been rejected, does not prove that the United States denied its liability to the State for what was properly due to it. The controversy over the accounts related to the correctness and propriety of the disbursements and to the details of the claim as presented by the State, and not to any denial of liability for whatever was shown to be proper. For this and the reasons set forth in the contemporaneous opinion, in the case of the State of Maine, the amount of direct tax should be credited as of the date stated, namely, June 30, 1862."

"Summarizing the considerations stated and directly answering the inquiries propounded by the Secretary, we hold:

"1. That the accounting officers have jurisdiction to entertain, adjust, and settle this claim on its merits under the decision in the case of the *United States v. New York* (100 U. S., 598)."

"2. That interest paid by the State of Pennsylvania be allowed."

"3. Interest should be allowed beyond the time necessary for the State to levy a tax and collect the money required for the principal expenditure."

"4. This claim for interest paid out by the State on money borrowed and expended in equipping troops under the act of 1861 is not so intimately connected with the principal claims already allowed that the present claim can be held to have been settled in the adjustment of the principal claims."

"5. Settlement of the claim in the Treasury is not barred by any statute of limitation, nor is it a stale claim which the accounting officers should not entertain, adjust, or settle on its merits."

"6. The accounting officers having jurisdiction, the claim should be adjusted by allowing the State interest from the dates of the several loans made by it to raise money necessary to organize and equip troops, for which the United States promised indemnity by the act of 1861, up to the date or dates when the Government recognized the claims for the money so advanced, deducting therefrom the amount of direct tax chargeable against said State as of the date when due and chargeable, to wit, June 30, 1862."

"7. Under the rule stated, and by direction of the court, the auditor to whom this case was referred to take and state the account has filed an amended report. By it the amount shown to be due is \$389,442.13. This sum includes the expenses incurred in negotiating the loan and the premiums on gold, as well as the claim for interest expended. The amended report, which the court adopts as its findings of fact, is based upon the charge to the State of its quota of the direct tax and the credit of the amount of this tax as of June 30, 1862, and not upon the amount claimed in the petition and credited to the State, under its contention and the auditor's original report, at a later date."

"The opinion of the Court of Claims in the claim of the State of Maine v. United States (36 Court of Claims, 531) was rendered on the same date, as follows:

"Peelle, J., delivered the opinion of the court."

"The claim in this case was transmitted to the court by the Secretary of the Treasury by the following communication:

"Under the reference thus made the claimant filed a petition herein on the 23d day of March, 1899, and thereafter, by consent of both parties, the case was referred to the auditor of the court to investigate and take testimony and to report the facts to the court; and that having been done, the Auditor files his report herein; and no exceptions having been filed thereto, and the same being in conformity with the evidence, the court adopts the same."

"The regular session of the Maine legislature for the year 1861 met the first Wednesday in January and finally adjourned March 16, having made the annual appropriations for State purposes and levied the State tax for the current year, and on April 15, 1861, the date of the first call for troops, there was not, nor would there be during that year, any money in the State treasury which was not specifically appropriated for State purposes, and no money which could be used to defray the expenses of enlisting, enrolling, arming, equipping, and mustering troops into the service of the United States. To provide ways and means for those purposes an extra session of the Maine legislature was called, which met April 22 and adjourned April 25, 1861. This extra session passed an act (chapter 60, Public Laws, extra session, Maine, 1861) authorizing the governor to raise and equip ten regiments, and appropriated \$1,000,000 therefor, and also passed a resolve authorizing a loan of \$1,000,000 to provide for said appropriation."

"Pursuant to said resolve Maine issued and sold bonds to the amount of \$800,000 and no more, all being payable in ten years from their date and bearing interest at the rate of 6 per cent per annum, the then legal rate in Maine, payable semiannually, according to the coupons attached to the bonds."

"Said bonds were issued in installments as follows: \$250,000, May 10, 1861; \$300,000, July 1, 1861; \$250,000, August 1, 1861, and sold for \$800,000, their full face value, and a premium of \$3,087.50."

"The issue and sale of all these bonds was necessary to provide the money required, and the full amount of their face value, together with the premium and other moneys, was expended by Maine for war purposes."

"Maine paid the principal of each and every of said \$800,000 bonds at maturity, together with the interest coupons thereon as the same became due to the amount of \$480,000 for the ten years, and after such payments both the bonds and the coupons were destroyed according to law."

"All the items and vouchers therefor for which said \$800,000 was expended are included in claim No. 1, made by Maine for reimbursement to the amount of \$1,075,274.36, as appears in the above Table 1."

"Said \$800,000 was expended by Maine as aforesaid in sums corresponding to the three several bond issues, as follows: \$250,000, from April 29 to July 1, 1861, of which the Treasury Department of the United States allowed \$208,295.91 and disallowed \$41,704.09; \$300,000, from July 1 to August 3, 1861, of which \$214,338.44 was allowed and \$85,661.56 disallowed, and \$250,000, from August 3 to September 21, 1861, of which \$213,933.44 was allowed and \$36,066.56 disallowed. In the aggregate of said \$800,000 the accounting officers of the Treasury Department allowed \$636,537.79 and disallowed \$163,462.21."

"Said allowed sum of \$636,537.79 was borrowed by the State of Maine, as above set forth, and expended for purposes properly chargeable to the United States, and for the same the United States has reimbursed Maine under the provisions of the act of Congress above mentioned.

"Maine received from the United States \$200,000 September 12, 1861, and \$120,000 March 7, 1862, and all of the \$320,000 so received, and more, was expended by Maine subsequent and in addition to the \$300,000 derived from the bonds and for items allowed by the Treasury Department, as appears in the above Table 1. Had it not been for said payments of \$200,000 and \$120,000 Maine would have been obliged to issue the remaining \$200,000 bonds authorized by the appropriation, and also compelled to borrow large sums of money in addition thereto to meet her expenditures for war purposes.

"Maine assumed her quota of the direct tax levied under the act of Congress approved August 5, 1861, by reason of which there was due and payable from Maine to the United States \$357,702.10 June 30, 1862, on which date said sum was credited by Maine to the United States, but it appears that the latter did not charge it off as paid until March 2, 1867 (item No. 2237, Table 11).

"Maine received from the United States, March 18, 1867, \$184,462.12; April 22, 1867, \$10,000; November 29, 1867, \$10,682.23, and December 16, 1867, \$4,000. The first, second, and fourth of the preceding items together make the third item in the above Table 11, appearing there as \$198,462.12 under date of March 2, 1867. All other items of payment by the United States to Maine are the same as the items of like amount in said table, and the differences between the dates in the table and those in the Maine treasury are accounted for by the difference in time between the drawing of the warrant by the Treasurer of the United States and the receipt of the funds by the treasurer of Maine.

"On March 18, 1867, the date of the receipt by Maine of the payment of \$184,462.12, made by the United States, there was due Maine a balance of \$64,387.28 in addition to the \$636,537.79 above mentioned as allowed by the Treasury Department, which said balance of \$64,387.28 is determined thus: Claims filed by Maine in 1862 and 1863 were allowed by the United States to the amount of \$917,539.68 (Table 1), of which there was paid by Maine the allowed sum of \$636,537.79 from the proceeds of the \$800,000 bonds, as above stated. This left a balance of allowed claims amounting to \$281,001.89, and this, deducted from the \$320,000 paid by the United States to Maine (first two items Table 11), left a credit balance of \$38,998.11; but Maine filed a further claim, which was allowed, to the amount of \$103,365.38 (item 4, Table 1), from which subtract said credit balance of \$38,998.11, and there is left the balance of \$64,387.28, claimed by Maine as aforesaid. The same result is reached by adding said \$281,001.89, balance allowed claims, and the further allowed amount of \$103,365.38, and from their sum (\$384,367.28) subtracting said \$320,000, which leaves the same balance of \$64,387.28 first above mentioned.

"On September 19, 1868, Maine received from the United States a payment of \$127,473.34, which is the item appearing in Table 11, under date of September 5, 1868.

"On October 29, 1868, Maine received from the United States a payment of \$6,728.96, which is the item appearing in Table 11 under date of October 16, 1868, and it was in payment of a claim by Maine for that amount filed with the Treasury Department August 8, 1868, the same being item 5 of Table 1, and it covers charges not included in any item of payment heretofore mentioned.

"Upon the foregoing findings the State of Maine claims as per the following statement and figures furnished by counsel for claimant, all the computations of which I find to be correct:

Statement of amount claimed by the State of Maine to reimburse it for interest paid on moneys borrowed and expended for the United States.

Of the \$250,000 borrowed May 10, 1861, the State expended \$208,265.91 for purposes which the Government allowed as proper charges.	
Interest on \$208,265.91, May 10, 1861, to June 30, 1862.....	\$14,231.50
Of the \$300,000 borrowed July 1, 1861, the State expended \$214,338.44 for purposes which the Government allowed as proper charges.	
Interest on \$214,338.44, July 1, 1861, to June 30, 1862.....	12,860.31
Of the \$250,000 borrowed August 1, 1861, the State expended \$213,933.44 for purposes which the Government allowed as proper charges.	
Interest on \$213,933.44, August 1, 1861, to June 30, 1862.....	11,766.34
Expenditures for allowed items as follows:	
May 10, 1861.....	\$208,265.91
July 1, 1861.....	214,338.44
August 1, 1861.....	213,933.44
Total.....	636,537.79
Total interest on same to June 30, 1862.....	38,858.15
June 30, 1862, Maine received from the United States \$357,702.10 (being its quota of the direct tax assumed by it and due that day), which, deducted from the above total of allowed items, leaves a balance of \$278,835.69 unpaid and upon which the State was paying interest.	
Interest on this balance, June 30, 1862, to March 18, 1867.....	78,910.50
March 18, 1867, Maine received from the United States payment of \$184,462.12. At that time Maine had expended for the United States for allowed items, all subsequent to those making up the \$636,537.79 and in excess of the \$200,000 and \$120,000 advanced it in 1861 and 1862, the sum of \$64,387.28, for which it reimbursed itself, leaving \$120,074.84 to be applied in reduction of the amount on which it was paying interest for the United States (\$184,462.12 less \$64,387.28 leaving \$120,074.84). The \$120,074.84 deducted from the former balance of \$278,835.69 leaves \$158,760.85 outstanding March 18, 1867.	
Interest on this sum, March 18, 1867, to April 22, 1867.....	809.64
April 22, 1867, the State received \$10,000 from the United States, which, deducted from the former balance, leaves \$148,760.85 outstanding, on which the State was paying interest for the United States.	
Interest on this sum, April 22, 1867, to November 29, 1867.....	5,380.18
November 29, 1867, the State received from the United States \$10,682.23, which, deducted from the former balance, leaves \$138,078.62 outstanding, on which the State was paying interest for the United States.	
Interest on this sum, November 29, 1867, to December 16, 1867.....	391.22
December 16, 1867, the State received \$4,000 from the United States, which, deducted from the former balance, leaves \$134,078.62 outstanding, on which the State was paying interest for the United States.	
Interest on this sum, December 16, 1867, to September 19, 1868.....	6,100.58
September 19, 1868, the State received \$127,473.34 from the United States, which, deducted from the former balance, leaves \$6,605.28 outstanding, on which the State was paying interest for the United States.	
Interest on this sum September 19, 1868, to May 10, 1871, the date on which the first issue of bonds became due and was paid.....	1,046.93
Total interest paid out by the State upon moneys borrowed used for the United States.....	131,587.20

"MEMORANDUM.—October 29, 1868, the State received from the United States \$6,728.96, to reimburse it for expenditures made for war purposes, but this was in payment of a claim of like amount filed August 8, 1868, and allowed by the Government, which said claim was for expenditures in addition to and not included in any of the allowances previously made and above referred to. This paying, having been made in settlement of the specific claim referred to, has no effect upon the above claim for interest.

"By mutual agreement and request of counsel for the United States and for claimant, the Auditor further reports as follows:

"Under act of July 27, 1861, the State of Maine filed with the Secretary of the Treasury of the United States six accounts, dated, respectively, April 25, 1862, July 28, 1862, July 22, 1863, February 25, 1867, August 8, 1868, and June 19, 1882, on which the Treasury Department allowed and disposed of \$1,027,654.03, and none of said accounts contained the present claim."

"The present claim was filed with the Secretary of the Treasury of the United States April 16, 1898.

"Immediately after the act of July 27, 1861, the Treasury Department established a rule rejecting all claims like this one on the grounds that the same were for interest, and that the Government is not liable for interest unless expressly provided for in the contract. And the Attorney-General of the United States, to whom was referred a like claim of the State of New York, on July 23, 1883, rendered an opinion sustaining the Treasury Department rulings on the ground that such claims were for interest and not for principal.

"The Treasury Department continued to rule as aforesaid on all such claims presented up to and including the year 1896, when the Supreme Court of the United States, in *New York v. United States* (100 U. S., 598), held that claims of the nature of this one are for principal and not interest.

"Among the claims which the Treasury Department ruled as above stated were those of the States of New York and Indiana.

"Consistently with all such rulings, this claim of Maine would not have been favorably considered by the Department if it had been filed at any time prior to the above-mentioned decision of the Supreme Court in 1896.

"Maine presented this claim to the Secretary of the Treasury for audit and payment within a reasonable time after said decision by the Supreme Court.

"All the evidence that ever existed and that could be used on behalf of either of the Government or the claimant with reference to this claim was on said April 16, 1898, the date on which the claim was filed with the Secretary of the Treasury, and still is, accessible to the Government, and no detriment has accrued to the United States by reason of this claim not being filed prior to said April 16, 1898.

"By request of counsel for the claimant, the auditor reports that the law and method of taxation in Maine in 1861, 1862, and 1863 were that the legislature then assembled on the first Wednesday of January in each year, and each session provided for the annual appropriations and for the levying of the yearly State tax, which tax was legally due upon the first day of the January next following, and ordinarily was not actually received into the State treasury until from time to time during the ensuing year.

"Respectfully submitted November 29, 1898.

"HARRY M. CAVIS, Auditor."

The Court of Claims also rendered opinions and certified their findings as to the law and the facts in the claim of the State of New Hampshire, and the claim of the State of Rhode Island.

As provided in section 2 of the Bowman Act, the court did not enter judgment on these claims, but reported its findings to the Treasury Department for its guidance and action.

The amounts found due on the several claims by the court were as follows:

Pennsylvania.....	\$689,442.13
Maine.....	131,587.20
New Hampshire.....	104,987.94
Rhode Island.....	146,154.45

Upon settlement of the above claims and the adjustment of clerical differences by the Auditor for the War Department the following amounts were found due, which were certified to Congress for an appropriation:

Pennsylvania.....	\$689,146.24
Maine.....	131,515.81
New Hampshire.....	108,372.53
Rhode Island.....	124,917.79

The amounts allowed by the Auditor were duly appropriated by act of February 14, 1902, and have been paid to the States.

The determination of the above-described claims by the Court of Claims and the Auditor for the War Department and the sanction thereof by Congress in the provisions of the act of February 14, 1902, referred to, having been accepted by the Auditor for the War Department as sufficient authority for his guidance, the Auditor proceeded to consider the claim of the State of Iowa and detailed a special auditor from his office to proceed to Des Moines, Iowa, to examine the State records, procure evidence, take testimony, and make a report upon his investigation as to the merits of the claim. Following are extracts from the special auditor's report:

"At the call for troops by the President of the United States for the suppression of the rebellion, the State of Iowa had no moneys in its State treasury which were not specifically appropriated for the expenses of the State government.

"The State, having no funds which could be used to defray the expense of enlisting, equipping, and mustering troops into the United States service, was compelled to and did issue bonds to the amount of \$300,000. Owing to the previous bonded indebtedness of the State, and the financial conditions prevailing at the time, the bonds could not be floated at par value, but were disposed of at a discount, the State realizing but \$277,320 from the sale of the bonds, leaving the discount suffered by the State in the sale of \$22,680.

"The total amount of money appropriated for war purposes by the State was \$1,000,000, and of this amount the State was authorized to issue \$800,000 in bonds. The law providing for the issue of these bonds expressly stipulated that so much as was absolutely necessary of the authorized bond issue was only to be perfected and sold as the conditions of the State revenues for war purposes demanded. (Vide Abstract 'A.')

"The evidence shows that by careful and judicious financing the State succeeded in carrying on the work of equipping troops and putting them into the field with an issue of bonds in the sum of, as stated, \$300,000. There was, however, the total amount of the appropriation of \$1,000,000 spent, and more. (Vide Statement No. 1, p. 4.)

"To supply the additional amount of the money required, the State used funds received from other sources than from the sale of bonds, to wit: Advances by the United States, \$80,000 on September 25, 1861, and \$20,000 on April 7, 1862, and the receipts from the Federal or direct taxes. That the use of such direct taxes obviated the necessity of issuing additional bonds to make up the required revenues is shown by the evidence presented and the statements set forth.

"In addition to the sums derived from these specific sources, there were overdrafts made from the general revenues of the State.

"These various sums are shown to have been deposited in the 'war and defense fund' of the State, a fund created by special act of legislature (vide

Abstract "A"), which also provided that no warrants except those drawn in payment of military expenditures should be paid from that fund.

Upon examination of the abstracts filed with the claim of the State of Iowa for civil-war expenditures now on file in the Treasury Department, it is ascertained that the State had expended and otherwise incurred obligations in the amount of \$828,687.17 on January 1, 1863. (Vide Table 3, p. 4.)

Up to this date the ascertained revenues derived by the State were \$100,000 advanced by the United States, \$277,320 proceeds from the sale of bonds, and the Federal or 'direct tax' levied under the act of Congress approved August 5, 1861, which by the interpretation of the above act by the Court of Claims was due and payable on June 30, 1862, in the sum of \$384,274.80.

The amounts derived from the proceeds of the sale of bonds and the sums advanced by the United States are clearly shown to have been inadequate to meet the obligations incurred by the State for military expenditures, the State having used to make up this deficiency the revenues derived from the collection of the 'direct tax.'

From the evidence submitted as to the disposition of the moneys received from the sources above stated, it does not appear that the State could have judiciously used the moneys derived from the United States or the amounts collected from direct taxes to the liquidation of its interest-bearing obligation, but, on the contrary, was forced to use it for the liquidation of obligations incurred for military supplies and expenses incident to raising troops. It is manifest that using it for other purposes additional sales of bonds in excess of the \$300,000 would have been imperative.

The Supreme Court, in its opinion rendered in the case of the United States v. New York (100 U. S., 588), decided that the moneys spent by the State in procuring funds was as much a part of the principal expenditures as the purchase of military equipments. It also held that the relationship which existed between the United States and the State was one of principal and agent. It therefore follows that the status of principal and agent continues throughout all the transactions authorized by such agency, until a final accounting between principal and agent was had.

The evidence obtained and based upon the records of the Treasury Department shows that there was no accounting between principal and agent until January 8, 1868. It follows, therefore, that all moneys received by the agent from the principal up to the date of an accounting were to be used for the purpose and in the manner implied by the agency—namely, that of purchasing supplies and equipping troops—as long as the condition existed for which the agency was created.

During the existence of these conditions, brought on by a state of war, the State continued to carry on the work of equipping troops and incurring obligations to her creditors for military supplies.

The creditors of the State were paid on warrants drawn on the 'war and defense fund' of the State, into which had been deposited all the available funds at the command of the State from which to meet its obligation incurred incident to the raising of troops.

The facts stated above, which are supported by the evidence submitted, tend to show that the moneys derived from advancements by the United States and collections by the State of Federal taxes were used in the same manner and for the same purposes as the moneys derived from the sale of bonds.

Through the same course of reasoning it follows that, owing to the depleted condition of the State treasury, the use of the moneys received from these sources for the payment of military expenditures obviated the necessity of perfecting and selling bonds for an equal amount.

The findings of the Court of Claims upon interest expenditures of this nature and the determination of the rule and theory of the court was applied to claims wherein the greater portion, if not all, of the moneys expended by the State was procured by the issuance of bonds.

In the claim now under consideration the conditions are not in all respects analogous to the claims passed upon by the court.

The proportion of the amount of bonds issued to the amount of the total expenditures properly incurred by the State is found to be but 28 per cent, leaving a large proportion (72 per cent) of the moneys properly expended to be derived from other sources, which the evidence shows was made up of advances by the United States, and sums derived from the collection of the Federal or 'direct tax.'

The disposition of the moneys derived from the 'direct tax' was not considered by the Court of Claims, although it determined that the 'direct tax' by the terms of the act of Congress approved August 5, 1861, was due and payable on June 30, 1862.

Following this interpretation, and assuming by legal fiction that the 'direct tax' was on such date paid by the State to the United States and immediately, by counter warrant, retransmitted to the State, consideration must be given to the disposition of the moneys so secured by the State, and what bearing such disposition, as adjudged by the evidence in the case, would have upon the strict application of the rule of the Court of Claims in making rests at each advancement of funds by the United States and the application of the 'direct tax' to a corresponding reduction of the interest-bearing principal.

As before stated, during the time when the State of Iowa received advances from the United States, amounting to \$100,000, and the date the 'direct tax' was due (June 30, 1862) in the sum of \$384,274.80, the State was carrying on the work of equipping troops and incurring obligations for military expenses.

These expenses aggregated, on January 1, 1863—and for which vouchers had been presented by creditors of the State—the sum of \$828,687.17. In the liquidation of these expenses the State had consumed the amounts advanced, coupled with the amounts realized on the sale of bonds in the aggregate of \$277,320, and to the extinguishment of the remainder of the expenses incurred had applied the amounts collected from the 'direct tax.'

The Court of Claims held in the determination of questions of law and fact in the case of the State of Maine (departmental, No. 57) that by its adoption of the report of the auditor of the court, wherein the evidence showed that the sums advanced by the United States had been applied by the State for military expenses and that the application so made obviated the necessity of issuing more bonds of an equal amount.

It would therefore seem clear that the decision of the court was that where advancements by the United States or other credits were made, that were used in the same manner as moneys derived from sale of bonds, such advancements or credits would not apply to the reduction of the interest-bearing principal.

There can be no difference in principle between the sums advanced by the United States and the 'direct tax' collected, provided they were used for the same purposes. It is therefore believed that the rule followed by the court in making a rest on June 30, 1862, and deducting from the interest-bearing principal the amount of the 'direct tax' can not be applied in this case without depriving the States of rights believed to exist under the act of Congress, July 27, 1861, as determined by the decision of the Supreme Court in the case of New York v. United States (100 U. S., 588), in construing the intent and meaning of said act.

Based upon the facts as substantiated by the evidence submitted, and a revision of the case as stated, the amount due the State for moneys ex-

pendent as interest has been based upon the computation of interest at 7 per cent upon the face value of the bonds from the several dates of their perfection and sale up to the dates when set-offs occur by reason as hereinafter explained.

Following the principle as laid down in the opinion of the Court of Claims in the Maine case, and applying the rule of making a rest at each date of payment by the United States of moneys susceptible of application to the reduction of the interest-bearing principal, in the computation of interest which should be allowed the State the rule is here applied, as announced, that the State must first be reimbursed its own noninterest-bearing principal—that is, the amount the State expended of her own moneys derived from other sources than from the bond issue and advancements from the United States—before any payment by the United States shall be applied to the reduction of the interest-bearing principal.

The amount of noninterest-bearing principal is derived as follows: To the amount of bonds sold by the State (\$300,000) is added the advancements by the United States, namely, \$100,000, and the amount of the 'direct tax' (\$384,274.80), making \$784,274.80. This amount is that which is foreign to the State's noninterest-bearing principal. This deducted from the total amount of the claim reimbursed the State for civil war expenditures, namely, \$1,044,336.84, leaves \$260,062.04 as the noninterest-bearing principal.

Under the theory of the rule as above stated, announced by the Court of Claims in the Maine case, this noninterest-bearing principal must first be paid before any payment is applied to the reduction of the interest-bearing principal. Following this rule, the sums of payment by the United States that will offset this noninterest-bearing principal are as follows:

One hundred and thirty-five thousand four hundred and forty-two dollars and forty-four cents paid by the United States and credited on the books of the State January 15, 1868, and so much of the payment of \$229,827.39 credited on the books of the State July 17, 1869, namely, \$124,619.60, as is required to complete the liquidation of the noninterest-bearing principal, leaving of the last-named payment the sum of \$105,207.79, which is the amount to be deducted from the interest-bearing principal to be made on account of a payment by the United States.

On the date this payment occurs (July 17, 1869) a reduction of the \$300,000 interest-bearing principal in the amount of \$105,207.79 is made, and the reduced principal yields interest up to the next set-off or rest, as shown by the computation hereinafter set forth.

All other expenditures incurred by the State which have been included in this account have been properly verified with the records of the State of Iowa, and are believed to be proper expenditures on the part of the State within the purview of the act of July 27, 1861.

(The sales of bonds by the State covered a period from July 29, 1861, to June 9, 1862, and on June 30, 1862, the accrued interest from the various dates of sale up to June 30, 1862, is shown to be \$11,216.24. On June 30, therefore, the interest-bearing principal is the full amount of the bond sales (\$300,000). This amount yields interest, as before explained, up to July 17, 1869.)

\$300,000.00 June 30, 1862, to July 17, 1869, 7 years 17 days, at 7 per cent..... \$147,991.67

From \$300,000 deduct \$105,207.79, credited on the books of the State July 17, 1869, the amount of payment by the United States in excess of the amount which the State is entitled to first reimburse itself for its own moneys used, exclusive of the amounts derived from bonds, advancements, and direct taxes. The remainder,

105,207.79 \$194,792.21, is the principal on which interest is to be computed from July 17, 1869, to February 5, 1870.

194,792.21 July 17, 1869, to February 5, 1870, 6 months 18 days, at 7 per cent..... 7,499.50

From \$194,792.21 deduct \$85,079.64, the amount of payment by the United States credited on the books of the State, February 5, 1870, leaving \$109,712.57, which is the principal on which interest is to be computed to February 6, 1872.

109,712.57 February 5, 1870, to February 6, 1872, 2 years 1 day, at 7 per cent..... 15,381.09

From \$109,712.57 deduct \$71.84, the amount of payment by the United States credited on the books of the State February 6, 1872. The remainder, \$108,840.73, is the principal on which interest is to be computed up to June 12, 1872.

108,840.73 February 6, 1872, to June 12, 1872, 4 months 6 days, at 7 per cent..... 2,666.60

From \$108,840.73 deduct \$101,376.02, the amount of payment by the United States credited on the books of the State June 12, 1872. The remainder, \$7,464.71, is the principal on which interest is to be computed to March 18, 1874.

7,464.71 June 12, 1872, to March 18, 1874, 1 year 9 months 6 days, at 7 per cent..... 923.14

From \$7,464.71 deduct \$3,496.99, the amount of payment by the United States credited on the books of the State March 18, 1874. The remainder, \$3,967.72, is the principal upon which interest is to be computed to June 6, 1874.

3,967.72 March 18, 1874, to June 6, 1874, 2 months 18 days, at 7 per cent..... 60.18

From \$3,967.72 deduct \$232.17, the amount of payment by the United States credited on the books of the State June 6, 1874. The remainder, \$3,735.55, is the principal upon which interest is to be computed to July 1, 1881, the date upon which the State redeemed its bonds. There being no further principal upon which the State was paying interest, the computation ceases on this date, July 1, 1881.

3,735.55 June 6, 1874, to July 1, 1881, 7 years 25 days, at 7 per cent..... 1,833.73

Total interest..... 187,572.15

To expense negotiating loan, sums in exchange, engraving and printing bonds..... 2,169.04

To discount suffered by State in sale of bonds below par..... 22,680.00

To interest paid on warrants..... 17,278.43

Total amount found due State..... 229,699.62

Act of Congress approved February 14, 1902, made provision for the reopening and examination for allowance of claims for refundment of interest that had been disallowed under the ruling of the Treasury Department prior to the decision of the Supreme Court in the case of the State of New York v. United States (100 U. S., 588). The act of February 14, 1902, provides as follows:

"In refunding to States expenses incurred in raising volunteers, namely: "To the State of Maine, \$131,515.81.

"To the State of Pennsylvania, \$689,146.29.
 "To the State of New Hampshire, \$108,372.53.
 "To the State of Rhode Island, \$124,617.79.

"And the claims of like character arising under the act of Congress of July 27, 1861 (12 Stat., p. 276), and joint resolution of March 8, 1862 (12 Stat., p. 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 United States Reports, p. 598), not heretofore allowed, or heretofore disallowed, by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and if deemed necessary shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers."

As the claims heretofore disallowed had had their final adjudication by the Second Comptroller the above act vested exclusive jurisdiction to reopen and allow such claims in the Comptroller of the Treasury.

Under the authority thus vested the Comptroller of the Treasury took up for adjudication the claim of the State of Indiana, which had been disallowed on October 11, 1886, in the amount of \$906,979.41, together with a claim disallowed by the Auditor for the War Department on April 10, 1902, in the amount of \$121,327.21, and upon a rehearing and revision, April 14, 1902, certified the amount of \$693,859.20 due the State, in accordance with his decision of the same date, as follows:

"The State of Indiana, on the 8th day of June, 1868, under the provisions of the act of Congress of July 27, 1861 (12 Stat., 282), and joint resolution of March 8, 1862 (12 Stat., 614), making provisions for the reimbursement of States on account of the costs, charges, and expenses properly incurred by them for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting their troops employed to aid in suppressing the war of the rebellion, filed its certain claim against the United States with the Auditor for the War Department, then called the Second Auditor, wherein said State claimed that the United States was justly indebted to it on account of interest paid on certain war bonds issued by it in order to raise money and used by it for the purposes mentioned in said act and resolutions, supra, and for discount suffered by it for the negotiation of said bonds, and for certain expenses incurred by its commissioners who negotiated said bonds, and for certain losses in exchange incurred for the payment of the semiannual interest on said bonds, said interest being by the terms of said bonds payable in New York City, and for certain payments made by it for printing, expressage, and other incidental expenses accruing out of said bond issue.

"The claim includes interest paid out by the State on said bonds up to and including the last day of May, 1868.

"The amount of said claim was for \$906,979.41.

"The Auditor, on the 26th day of September, 1886, disallowed said claim in toto, and under the system of accounting then in vogue certified the result of said audit to the Second Comptroller of the Treasury for final disposition.

"This installment is a claim filed by the State of Indiana against the United States for reimbursement of discount, expenses, and interest on war loan bonds. It was filed in this office June 8, 1868, for the sum of \$906,979.41, under act of Congress approved July 27, 1861 (12 Stat., 276).

"It is the declared policy of the United States not to pay claims of this character unless provided for by special contracts or special laws. It will not be contended that any express authority is contained in the act of July 27, 1861, to reimburse the items composing this installment, and under the rule laid down by the late Attorney-General (9 Op. Att. Gen., 59), that authority can not be taken by mere inference.

"The amount of \$906,979.41 is therefore disallowed and certified to the Second Comptroller for his action thereon.

"The said Second Comptroller, on the 11th day of October, 1886, confirmed the action of the said auditor and disallowed said claim in toto, in language as follows:

"The foregoing report of the auditor of the 29th ultimo, is approved. The balance of \$906,979.41 is accordingly disallowed and the settlement of said eighth installment of the claim of the State of Indiana under the act of July 27, 1861, is hereby completed and finally closed."

"The State of Indiana, on the 24th of March, 1899, through Dudley & Michener, its attorneys, filed with the Comptroller of the Treasury a petition to reopen the said settlement of said claim as made by the Second Comptroller, and asked therein that the same after being reopened, be referred by the Comptroller to the Court of Claims for adjudication.

"On the 19th day of September, 1899, the State was denied a reopening of said claim by the Comptroller, for the reason that the said Comptroller was not authorized by law to reopen claims settled by his predecessor on a construction of law, however erroneous said construction may have been. (6 Comp. Dec., 236.)

"Under the act of Congress making appropriations for urgent deficiencies for the present fiscal year, approved February 14, 1902, it is provided:

"In refunding to States expenses incurred in raising volunteers, namely:

To the State of Maine.....	\$131,515.81
To the State of Pennsylvania.....	689,146.29
To the State of New Hampshire.....	108,372.53
To the State of Rhode Island.....	124,617.79

"And the claims of like character arising under the act of Congress of July 27, 1861 (12 Stat., p. 226), and joint resolution of March 8, 1862 (12 Stat., p. 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 U. S. R., p. 598), not heretofore allowed, or heretofore disallowed by the accounting officers of the Treasury, shall be reopened, examined, and allowed, and, if deemed necessary, shall be transmitted to the Court of Claims for findings of fact or determination of disputed questions of law to aid in the settlement of the claims by the accounting officers."

"The claim of the State of Indiana, disallowed by the Second Comptroller on the said 11th day of October, 1886, is a claim of like character with the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island in said act set out and mentioned. Therefore, under and by authority of said act, and at the request of the State of Indiana through its attorney-general, the Hon. William L. Taylor, the said claim of the State of Indiana is now reopened, and will be settled and allowed under the rule of construction given to said acts of indemnity as announced by the Supreme Court in the case of New York v. United States (160 U. S., 598).

"The State of Indiana, by the Hon. William L. Taylor, its attorney-general, on the 1st day of April, 1902, filed a new and separate claim with the Auditor for the War Department for interest accrued and paid on the bonds mentioned in the first claim herein after the 1st day of May, 1868, in the sum of \$121,327.21.

"The Auditor for the War Department disallowed, by certificate No. 18418, said last-mentioned claim in toto on the 10th day of April, 1902, for the reasons as follows:

"This claim is for interest paid by the State from May 1, 1868, to the redemption of its interest-bearing bonds.

"By an examination of the records and other evidence on file in the Treasury Department, it is shown that on May 1, 1868, the State had redeemed bonds in the amount of \$1,776,000. The remainder of the \$2,000,000 issued, or \$224,000, upon which the State claims interest from May 1, 1868, to

May 1, 1881, is shown to have been offset by the United States through the direct tax, which, by the decision of the Court of Claims, was due and payable on June 30, 1862.

"The amount of the direct tax to be paid by Indiana was, in addition to what had been paid by the State, \$700,442.43, which eliminated the principal of \$224,000 on that date (June 30, 1862).

"Under the principle announced in the opinion of the Court of Claims in the claims of the following States: Maine, New Hampshire, Pennsylvania, and Rhode Island, the payment of interest by the State of Indiana after May 1, 1868, is held to be an unreasonable expense as contemplated by the acts of July 27, 1861, and March 8, 1862."

"From this action of the Auditor the State of Indiana appealed to the Comptroller for revision on the said 10th day of April, 1902.

"In order that the entire claim of Indiana for reimbursement on account of interest paid on its war bonds, discounts suffered on the negotiations of the same, expenses incurred in negotiating the same, and exchange, expressage, printing, and all other expenses properly incurred on account of said bond issue may be considered and adjusted at one time—the only way in which an intelligent understanding of the claim can be had—I have consolidated said two claims and will consider them as one claim, but certify my action therein separately as to each of said claims.

"These claims, as directed by Congress, are to be allowed under the principles announced in the New York case, supra, as laid down by the Supreme Court in that decision. Hence it is of prime importance to understand what were the facts in the New York case and the law announced by the Supreme Court as applicable to these facts.

"The case is long and the facts voluminous. I will therefore content myself with a résumé only of the decisive facts in that case:

"New York had pending in the Court of Claims a claim wherein it was asserted that the United States was indebted to it in the sum of \$131,188.02, for interest paid out by it on war bonds and to the canal sinking fund of the State, the proceeds of such bonds and such money borrowed from her sinking fund having been used by her with which to raise and equip her troops for the civil war.

"The Court of Claims gave judgment in favor of the State of New York for \$91,320.84, the amount of interest she had paid on the war bonds, but refused to give judgment for the balance of \$39,867.18, representing interest paid by the State to her canal fund for sums borrowed from said fund.

"The Government and the claimant both appealed from the judgment of the Court of Claims to the Supreme Court. The judgment of the Court of Claims was reversed in this appeal for the reason that the State of New York was also entitled to a judgment for the said sum of \$39,867.18, the amount paid by it as interest on moneys received by it by way of loan from its canal fund and applied by the State for the purpose of arming and equipping its troops.

"I know of no better way to state the principles announced in that case than to quote the decision bodily, commencing at the second paragraph on page 619 thereof, which part of the decision recites the pertinent facts upon which the judgment of the Supreme Court is based and lays down the principles of law upon which the liability of the Government was based to reimburse the States for moneys paid out by them in the raising and equipping of troops:

"The entire sum for which the State asked judgment was \$131,188.02, of which \$91,320.84 represented the amount paid as interest on moneys borrowed for the purpose of raising troops for the national defense, and for the repayment of which, with interest at 7 per cent, the State executed its short-time bonds. The balance, \$39,867.18, represented the amount paid as interest on moneys received by way of loan from canal fund and applied by the State for the same purpose.

"On behalf of the Government it is contended that payment by the United States of the above sum of \$91,320.84 is prohibited both by the statute, act of March 3, 1863 (12 Stat., c. 92, 765; Rev. Stat., sec. 1091), providing that interest shall not be allowed on any claim up to the time of rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest, and by the general rule based on grounds of public convenience, that interest "is not to be awarded against a sovereign government unless its consent to pay interest has been manifested by an act of its legislature, or by a lawful contract of its executive officers." (United States v. North Carolina, 136 U. S., 211, 216; Angarica v. Bayard, 127 U. S., 251, 260.)

"The allowance of the \$91,320.84 would not contravene either the statute or the general rule to which we have adverted. The duty of suppressing armed rebellion having for its object the overthrow of the National Government was primarily upon that Government and not upon the several States composing the Union. New York came promptly to the assistance of the National Government by enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops to be employed in putting down the rebellion. Immediately after Fort Sumter was fired upon its legislature passed an act appropriating \$3,000,000, or so much thereof as was necessary, out of any moneys in its treasury not otherwise appropriated, to defray any expenses incurred for arms, supplies, or equipments for such forces as were raised in that State and mustered into the service of the United States. In order to meet the burdens imposed by this appropriation the real and personal property of the people of New York were subjected to taxation.

"When New York had succeeded in raising 30,000 soldiers to be employed in suppressing the rebellion, the United States, well knowing that the national existence was imperiled and that the earnest cooperation and continued support of the States was required in order to maintain the Union, solemnly declared by the act of 1861 that "the costs, charges, and expenses properly incurred" by any State in raising troops to protect the authority of the nation would be met by the General Government. And to remove any possible doubt as to what expenditures of a State would be so met, the act of 1862 declared that the act of 1861 should embrace expenses incurred before as well as after its approval. It would be a reflection upon the patriotic motives of Congress if we did not place a liberal interpretation upon those acts and give effect to what we are not permitted to doubt was intended by their passage.

"Before the act of July 27, 1861, was passed the Secretary of State of the United States telegraphed to the governor of New York acknowledging that that State had then furnished 50,000 troops for service in the war of the rebellion and thanking the governor for his efforts in that direction. And on July 25, 1861, Secretary Seward telegraphed: "Buy arms and equipments as fast as you can. We pay all." And on July 27, 1861, that "Treasury notes for part advances will be furnished on your call for them." On August 16, 1861, the Secretary of War telegraphed to the governor of New York: "Adopt such measures as may be necessary to fill up your regiments as rapidly as possible. We need the men. Let me know the best the Empire State can do to aid the country in the present emergency." And on February 11, 1862, he telegraphed: "The Government will refund the State for the advances for troops as speedily as the Treasury can obtain funds for that purpose." Libera-ly interpreted it is clear that the acts of July 27, 1861, and March 8, 1862, created on the part of the United States an obligation to indemnify the States for any costs, charges, and expenses properly incurred for the purposes

expressed in the act of 1861, the title of which shows that its object was "to indemnify the States for expenses incurred by them in defense of the United States."

"So that the only inquiry is whether, within the fair meaning of the latter act, the words 'costs, charges, and expenses properly incurred' included interest paid by the State of New York on moneys borrowed for the purpose of raising, subsisting, and supplying troops to be employed in suppressing the rebellion. We have no hesitation in answering this question in the affirmative. If that State was to give effective aid to the General Government in its struggle with the organized forces of rebellion it could only do so by borrowing money sufficient to meet the emergency, for it had no money in its treasury that had not been specifically appropriated for the expenses of its own government. It could not have borrowed any more than the General Government could have borrowed without stipulating to pay such interest as was customary in the commercial world. Congress did not expect that any State would decline to borrow and await the collection of money raised by taxation before it moved to the support of the nation. It expected that each loyal State would, as did New York, respond at once in furtherance of the avowed purpose of Congress, by whatever force necessary to maintain the rightful authority and existence of the National Government."

"We can not doubt that the interest paid by the State on its bonds, issued to raise money for the purposes expressed by Congress, constituted a part of the costs, charges, and expenses properly incurred by it for those objects. Such interest, when paid, became a principal sum as between the State and the United States; that is, became a part of the aggregate sum paid by the State for the United States. The principal and interest so paid constitutes a debt from the United States to the State. It is as if the United States had itself borrowed the money through the agency of the State. We therefore hold that the court below did not err in adjudging that the \$91,320.84 paid by the State for interest upon its bonds issued in 1861 to defray the expenses to be incurred in raising troops for the national defense was a principal sum, which the United States agreed to pay, and not interest within the meaning of the rule prohibiting the allowance of interest accruing upon claims against the United States prior to the rendition of judgment thereon."

"The canal fund was made by the constitution of the State a sinking fund for the ultimate liquidation of what is known as the canal debt of New York. In April and May, 1861, \$2,039,663.06 from the taxes of 1860 reached the treasury of the State, and under the constitution and laws of New York that amount should have been invested in securities for the benefit of the canal fund and the interest derived from those securities paid into the fund. The State was permitted to use a part of the above sum under an agreement by its officers that interest thereon at the rate of 5 per cent should be paid. It recognized and fulfilled that agreement, and now claims that the interest it so paid to the canal fund constituted a charge or expense properly incurred in raising, subsisting, and supplying troops to suppress the rebellion."

"We are of opinion that, so far as the question of the liability of the United States is concerned, there is, on principle, no difference between the claim for \$91,320.84 and the claim for \$38,367.18. We do not stop to inquire whether the action of the canal commissioners in allowing the State to use a part of the moneys collected for the benefit of the canal fund was strictly in accordance with law. Suffice it to say that the canal fund was entitled to any interest earned upon money belonging to it, and fidelity to the constitution and laws of New York required the State to recognize that right in the only way it could at the time have been done, namely, by paying the interest that ought to have been realized by the commissioners of the canal fund if they had invested in interest-paying securities the moneys they permitted the State to use for military purposes."

"If the canal-fund money used by the State comptroller to defray the expenses of raising and equipping troops had been borrowed upon the bonds of the State sold in open market, the interest paid on such bonds would, for the reasons we have stated, be a just charge against the United States on account of expenses properly incurred by the State for the purposes expressed by Congress. And such would have been the result if the moneys of the canal fund had been invested by the commissioners directly in bonds of the State bearing the same rate of interest that was paid to the commissioners of that fund. The substance of the transaction was that the State, for moneys that could not be legally appropriated for the ordinary expenses of its own Government, and which the law required to be so invested as to earn interest for the canal fund, used those moneys for military purposes, under an agreement by its officers, subsequently ratified by the State, to pay interest thereon. It was, in its essence, a loan to the State by the commissioners of the canal fund of money to be repaid with interest."

"The obligation of the United States to indemnify the State on account of such payment is quite as great as it would be if the transaction had occurred between the State and some corporation from which it borrowed the money. It is not the case of the State taking money out of one pocket to supply a deficiency in another over which it had full power, for, although the moneys brought into its treasury by the collection of taxes were under its control, the State was without power to manage and control taxes collected for the canal fund, except as provided in its constitution and laws. It could not legally have become a party to any arrangement or agreement involving the use, without interest, of the moneys of the canal fund that had been set apart for the ultimate payment of the canal debt."

"We are of the opinion that the claim of the State for money paid on account of interest to the commissioners of the canal fund is not one against the United States for interest as such, but is a claim for costs, charges, and expenses properly incurred and paid by the State in aid of the General Government, and is embraced by the act of Congress declaring that the States would be indemnified by the General Government for moneys so expended."

"As the State was entitled to a larger sum than \$91,320.84, the judgment is reversed and the cause is remanded with directions for further proceedings not inconsistent with this opinion."

"As I understand this decision, it announces the doctrine, in language that can not be misunderstood, that the Government of the United States is under legal obligation to reimburse to the States every dollar that said States properly paid out upon obligations incurred by them for any of the purposes expressed in the reimbursement acts of 1861."

"That interest paid by States in procuring means with which to raise and equip troops is not considered as interest, but as part of the costs, charges, and expenses properly incurred in raising and equipping of troops."

"That all proper and necessary costs, charges, or expenses incurred by States in raising money for such purposes should on proper demand be reimbursed to said States."

"To put it in the terse language of the decision, 'It is as if the United States had borrowed the money through the agency of the State; that is, the United States constituted the States its agents to borrow money. It follows that every cent such States were compelled to pay out on account of loans should be reimbursed to them by their principal, the United States, without any deduction or rebate whatsoever.'"

"The facts of this claim of Indiana, to state them briefly, are:

"It is shown by the report of the auditor for the State of Indiana for the fiscal year ending October 31, 1880, that the State owed—

An interest-bearing debt of.....	\$7,770,273.50
Internal-improvement bonds outstanding.....	393,000.00
Five per cent State stock outstanding.....	5,322,500.00
Two and one-half per cent State stock outstanding.....	2,064,773.50
Total State debt October 31, 1880.....	7,770,273.50

"It is also shown by this report that the running expenses of the State for said fiscal year were \$1,621,107.48."

"That its entire receipts for the same period of time were only \$1,658,217.88."

"Leaving a cash balance in the treasury on November 1, 1880, of \$134,680.39."

"It is apparent from these facts that there was no money in the treasury of the State of Indiana in 1861 which could have been used to defray the expenses of enlisting, enrolling, arming, equipping, and mustering troops into the service of the United States."

"If Indiana were to raise and equip troops to meet the then existing emergency, she must borrow money. It required ready money to accomplish these things. Considering alone the condition of her finances, and not considering what is a matter of common history, that many of her misguided citizens, especially along the Ohio River, were in almost open rebellion against the Government, it is not strange that her credit was not of a gilt-edge order."

"But the legislature of Indiana, being dominated at the time by the master spirit of her great war governor, Oliver P. Morton, passed an act, which was approved and became a law on the 13th day of May, 1861, authorizing the governor of Indiana, for the purpose of obtaining money for repelling invasion and to provide for the public defense, to issue \$2,000,000 of bonds, \$200,000 thereof to be in bonds of the denomination of \$500 each and the residue of the \$2,000,000 in bonds of the denomination of \$1,000 each, all of said bonds to draw interest at the rate of 6 per cent per annum, payable semiannually on the 1st day of May, 1862, the interest falling due between the date of sale and the 1st day of November, 1861, to be payable in advance, said bonds to be payable to bearer twenty years after date, the interest payable on presentation and surrender of coupons as they become due, both bonds and coupons to be payable at the Indiana agency in the city of New York, the bonds to be signed by the governor and countersigned by the auditor, numbered and registered in the office of the auditor and secretary of the State. The form of bond is set out in the act."

"Section 3 of the act authorized the board of sinking fund commissioners of the State to purchase said bonds at par to the extent of any money they might have on hand subject to loan, and the interest when paid on said bonds to be disposed of in the same manner as the interest arising from the ordinary loans to individuals."

"Section 2 of the act made provision for the appointment of a board of loan commissioners, consisting of three persons, who were to be paid \$5 per day for each day they were actually engaged in negotiating the loan, together with their actual expenses. It was also provided in said section that said bonds, when ready for sale, should be delivered to said commissioners and sold by them as the wants of the treasury of the State should from time to time demand, and the money arising therefrom, together with all exchange and any premium that might accrue thereon, should be paid by said commissioners into the State treasury. It was also provided in said section that the said board of loan commissioners should, as therein provided, on the first days of August, November, February, and May of each year, file with the auditor of the State a report containing the number and denomination of bonds sold and the price received therefor and the time when sold."

"Section 5 of said act made provision for an annual tax of 5 cents on each \$100 in value of the taxable property of the State with which to provide a fund for the payment of the interest on said bonds, and to provide a sinking fund with which to pay the principal of said bonds when they should mature. That the excess of said taxes collected after paying the accruing interest on said bonds should be put into the sinking fund, with authority to the sinking-fund commissioners to purchase any of said bonds if they could be procured on reasonable terms, and if not, then to invest the same in other Indiana securities, said commission to keep a record of the number and amount and price paid for such bonds, from whom and when purchased. For the final payment of said bonds, with interest thereon, the faith of the State was irrevocably pledged."

"Section 9 of said act declared that because the ordinary revenues of the State were insufficient to meet the necessary expenses growing out of the then insurrectionary acts of certain States, an emergency existed for the passage of such act, and that it would be in force from and after its passage."

"That in pursuance of the said act of the legislature Jesse J. Brown, J. H. Boyle, and James M. Ray were appointed as members of the board of loan commissioners."

"That from time to time, commencing the 28th day of May, 1861, and extending to and including the 14th day of August, 1862, the said loan commissioners negotiated and sold all of said bonds; that none of said bonds sold at a premium; that said bonds sold all the way from 5 to 17 per cent discount; that of said bonds the sum of \$125,000 were sold on May 23, 1861, to the commissioners of the sinking fund of Indiana at par; that the further sum of \$108,500 of said bonds were sold on the 14th day of August, 1862, to the State debt sinking fund at a discount of 5 per cent; that said sum of \$125,000 par value of said bonds so sold to the commissioners of the sinking fund at par were redeemed by the State on the 20th day of January, 1867, and the accrued interest thereon at that time and paid by the said State amounted to \$42,457.50."

"These bonds so sold to the commissioners of the sinking fund, and upon which the above amount of interest was paid, was a borrowing of funds by the State from one of its trust funds, set apart by the constitution and laws of the State of Indiana and not subject to the control of the legislature of the State of Indiana, nor subject to be used by the State to defray its current expenses or to the payment of the principal or interest on said war bonds."

"That the said \$108,500 par value of bonds sold to the State debt sinking fund on August 14, 1862, at 5 per cent discount, was on the same day redeemed by the State at the same rate of discount for which they were sold."

"These two transactions represent all the transactions had with the State's sinking funds relative to sales of these bonds."

"The remainder of said issue of \$2,000,000 was sold to individuals and corporations at discounts varying from 5 to 17 per cent."

"The State suffered an apparent discount on account of the sale of said bonds in the sum of \$243,603.40. This was only an apparent discount, however. The facts show that the State received on account of the sinking fund and other purchasers of bonds, allowing the State to redeem bonds sold at a discount at the same price for which they were sold, the sum of \$91,756.50; net discount, \$151,846.90."

"The State paid on account of salaries and expenses of negotiating the sale of said bonds by said bond-sale commissioners the sum of \$1,633.89."

"The State paid on account of printing, commissions, and expenses made necessary on account of said bond issue the sum of \$421.46."

"The State paid on account of exchange in paying the semiannual interest on said bonds in the city of New York the sum of \$609.54."

"The State paid out in semiannual interest on said bonds up to and including the 1st day of May, 1868, the sum of \$367,154.98.

"The State received on account of rebate of interest due on bonds when sold the sum of \$5,982.75.

"Deducting this latter amount from the sum of the above five amounts, showing the items in favor of the State, leaves the sum of \$514,684.02, being the sum of the amounts going to make up the correct amount of the discounts, charges, expenses, and interest paid and suffered by the State of Indiana on account of the sale of said bonds up to and including the 1st day of May, 1868.

"If the United States had taken care of the principal and interest of these bonds and paid them at maturity, as she might have done, and which would have been entirely proper for the principal to have done for her agent, it would have been the duty of the State of Indiana to have accounted to the Government of the United States for whatever sum it may have received on account of the sale of said bonds, and the duty of the Government of the United States to have reimbursed it for any and all legitimate expenses it was put to in making the sales. The question of discount and interest would not have entered into the account.

"But the Government left the State of Indiana to take care of and pay said bonds, principal and interest, under the terms of its contract as made and set out in said bonds and on the best terms it could get from the bondholders, agreeing to reimburse it for all costs, charges, and expenses growing out of and connected with the sale of said bonds, provided it used the money obtained from their sale for the raising, arming, and equipping of its troops for the war of the rebellion.

"The facts in the case clearly show that during the year 1861 the State of Indiana used all the money it derived from the sale of these bonds, and a much larger amount, some of which was advanced to the State by the Government in the way of scrip, which it discounted, and other moneys which it borrowed, through the heroic efforts of Governor Morton, from other sources, in arming, equipping, and putting in the field its soldiers. All of said money realized on account of said bond sale was used during the years 1861-1862 for the purpose aforesaid. The facts also clearly show, without going into details which would unduly extend this decision, that the State anticipated the payment of these bonds and paid them when it had moneys which could be expended for that purpose, and when the bondholders would accept payment before the bonds were due under their terms. If the whole bond issue had run until it was due under the terms of the bonds, as it might have done, the interest at 6 per cent, the rate thereon, on these bonds would have amounted at their maturity to \$2,400,000.

"It seems perfectly clear to me that to reimburse the State of Indiana on account of its expenditures because of this bond sale it will be necessary for the United States to repay to it every dollar it legitimately expended on account of principal and interest, together with all expenses in the negotiation of their sale. The State became liable for and paid the principal of these bonds, as well as the interest, as it accrued. Therefore, to reimburse it we must repay all such sums, the State losing the interest on such payments from the time it made them, for the reason that the United States in the absence of a special contract does not pay interest.

"The above, relative to interest paid by the State on said bonds, is not the view of the Court of Claims, as seemingly announced by it in the State of Maine v. United States (36 C. Cls. R., 531).

"In that case the State of Maine, to arm and equip its troops for the war of the rebellion, issued bonds and sold them at par and paid them, principal and interest. It showed that it used a portion of the proceeds of said bond sale to arm and equip its troops.

"The Court of Claims, on its claim for reimbursement on account of this bond issue, did not allow it the amount of interest paid on the amount of bonds sold and the proceeds of which it used in arming and equipping its troops, but stated the account, as will appear by Exhibit A accompanying this decision.

"It seems to me that it is perfectly apparent that the method adopted by the Court of Claims in the settlement of that account did not follow or apply the principles of reimbursement as announced in the New York case. It did not in any sense of the word reimburse the State of Maine on account of interest paid by it on the bonds which it sold and the proceeds of which it used in raising and equipping its troops. The case was settled on the basis that when the Government made a payment to Maine that this payment was to be deducted from the amount of bonds which it had sold and the proceeds of which it used in arming and equipping its troops, and stopped the interest on the amount paid by the Government at the date of such payment.

"If these payments had been made to the bondholders and had been applied by them to the principal of the bonds, the theory adopted by the Court of Claims would have been correct; but these payments were not made to the bondholders and did not stop the interest on the bonds which the State of Maine was compelled to pay. The payments to Maine by the United States were necessarily made on the principal of these bonds, or rather they were made to reimburse Maine for the moneys it used in arming, equipping, and supplying its troops. This money was procured from the sale of the bonds. The moment the State of Maine incurred an expense in arming and equipping her troops and furnished proper vouchers to show said facts, it was the duty of the United States to reimburse it for such expenses regardless of where or how she got the money.

"Stopping the interest accruing on bonds which neither the State nor the United States could have paid without the consent of the bondholder at the time a partial payment was made to the State necessarily to reimburse it for moneys which it had actually expended and which it was obligated to repay to its bonded creditors, strikes me as a most remarkable proposition, no more remarkable, however, than unjust. It is for a principal to say to his agent, 'You have incurred a debt on my account, and by my authority, and for my benefit, which will continue to draw interest for years, and which you are obliged to pay, principal and interest, out of your own means; you used the principal sum, it is true, for which the obligation is given, upon which you will be compelled to pay the stipulated interest for years, and the principal when due, for my benefit, but I will repay you in full the principal sum which you and not I will have to pay at maturity, and thereby I will release myself from all further obligation on account of the obligations you incurred for my use and benefit. It is true you will have to pay both principal and interest out of your own means, the principal when due under the terms of your obligation, and the interest half yearly from the date of the obligation to its maturity, yet, because I now repay you the principal, I am released from reimbursing you for the interest hereafter paid by you.'

"The above is not what the Court of Claims, by its calculation, or, rather, method of calculation, did to the State of Maine in the case supra.

"While I exceedingly dislike to disagree with a court of the eminence of the Court of Claims, or any other court, yet I can not bring my conscience up to the point of deliberately wronging the State of Indiana, or any other State, by adopting a method of calculation which does not reimburse or make whole these States on account of the expenses paid by them which the Supreme Court says shall and ought to be reimbursed to them.

"I am convinced that the Court of Claims was led into what I believe was an error and one which worked a great wrong to the State of Maine by adopting the calculation of an accountant, who no doubt is a good accountant,

whose figures are no doubt correct, but who certainly has not shown himself possessed of either a legal or an equitable mind.

"Believing, as I do, that in order to reimburse the State of Indiana the Government must repay to it all interest which it was compelled to pay on account of this bond issue, I therefore certify a difference of \$514,684.02 as a legal claim from the audit hereinbefore set out and reopened, to be paid when Congress shall make an appropriation therefor.

"Regarding the appeal from the Auditor, I find that since the 1st day of May, 1868, the State paid and was compelled to pay as interest on the bonds that were outstanding at that date the sum of \$121,175.18.

"That the State had paid and taken up these bonds as rapidly as it had the money with which to redeem them, as raised by taxation or otherwise procured, as soon as the holders thereof would allow them to be redeemed under the terms of said contract. That all of said bonds were redeemed within twenty years from the date of their issue.

"I therefore certify a difference in such appeal of \$121,175.18 as a legal claim to be reported to Congress for an appropriation.

"R. J. TRACEWELL, Comptroller."

The amount found due the State of Indiana by the Comptroller was certified by the Auditor for an appropriation, and to the certificate was added: "This (\$635,859.20) is the amount found due and allowed by the Comptroller of the Treasury under his decision of April 14, 1902.

"If this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Indiana from the United States on this claim:

For interest and expenses.....	\$125,169.05
For discount.....	151,846.90

Making a total of..... 287,015.95

"Instead of the amount certified."

The claim of the State of Iowa never having been settled was taken up by the Auditor for original consideration, and under the decision of the Comptroller of April 14, 1902, in the Indiana case, a balance of \$458,417.89 was allowed and certified for an appropriation April 29, 1902. To this certificate was added:

"This allowance is based upon the decision of the Comptroller of the Treasury dated April 14, 1902.

"If this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Iowa from the United States on this claim \$229,639.62 instead of the amount certified."

The claims of the States of Michigan, Ohio, and Illinois of like character, which had been in whole or part disallowed by the Second Comptroller of the Treasury, have been reopened and settled by the Comptroller of the Treasury, and the balances have been certified by this office, as follows:

In the claim of the State of Michigan there was certified for payment to the State under the decision of the Comptroller of the Treasury \$32,167.62 for discount and interest from 1861 to 1870, and to this certificate was added:

"If this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department in the settlement of the claims of the States of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Michigan—

For interest and expenses.....	\$130,725.56
For discount.....	32,644.77

Making a total of..... 163,370.13

"Instead of the amount certified."

In the claim of the State of Ohio there was allowed by the Comptroller \$458,559.35 for expenses and interest on loans from 1861 to 1871, and to the certificate was added this statement:

"The Comptroller further states that had this claim been settled by him, applying the principles of the decision of the Court of Claims in the case of the State of Maine (36 C. Cls., 531), he would have found due the State of Ohio the sum of \$443,145.24 instead of the amount above certified."

In the claim of the State of Illinois there was certified under the decision of the Comptroller of the Treasury \$1,005,129.29 for discount and interest on loans from 1861 to 1880. Of this amount, \$774,530.28 was allowed by the Comptroller for expenses and interest to July 1, 1867, and \$230,598.01 was allowed by the Auditor for interest from July 1, 1867, to January 1, 1880. To the certificate in this case was added the statement:

"That if this claim had been settled in accordance with the principles announced by the Court of Claims and followed by the Auditor for the War Department in the settlement of the claims of Maine, Pennsylvania, New Hampshire, and Rhode Island, already allowed and paid under the findings of that court, there would be due the State of Illinois—

For interest and expenses.....	\$202,491.81
For discount.....	232,605.00

Making a total of..... 435,096.81

instead of the amount certified."

The claims of the States of Connecticut, Massachusetts, Kansas, Vermont, and Wisconsin are still before the Court of Claims, pending a finding of the law and facts by that court. Upon their return to this office the findings of the Court of Claims in these cases will be subject to a restatement and settlement in accordance with the decision of the Comptroller of the Treasury of April 14, 1902, in the claim of Indiana and his subsequent decisions in the cases of Michigan, Ohio, and Illinois.

Respectfully,

F. E. RITTMAN, Auditor.

Mr. COOPER of Wisconsin. I move that the committee rise. The motion was agreed to.

The committee accordingly rose; and Mr. CURRIER having taken the chair as Speaker pro tempore, Mr. CAPRON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2295, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. J. Res. 200. Joint resolution amending "An act to increase

the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902;

H. R. 4636. An act to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails; and

H. R. 15004. An act to authorize the Minneapolis, Superior, St. Paul and Winnipeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 13150. An act granting a pension to James B. Mahan; and
H. R. 10299. An act authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence of Mr. HEATWOLE was extended until Tuesday.

LEAVE TO PRINT.

Mr. WOOTEN obtained unanimous consent to print remarks in the RECORD on House bill 14947.

The SPEAKER pro tempore. In accordance with the order previously made, this House will stand in recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House was called to order by Mr. CURRIER as Speaker pro tempore at 8 o'clock p. m.

The SPEAKER pro tempore. In pursuance of the order previously made, the House will now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Senate bill 2295.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. GAINES of West Virginia in the chair.

PHILIPPINE GOVERNMENT.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Senate bill 2295.

Mr. COOPER of Wisconsin. Do we open up on this side?
Mr. JONES of Virginia. Whatever may be the pleasure of the gentleman. We are prepared to proceed.

Mr. COOPER of Wisconsin. I think we will proceed. I yield to the gentleman from Pennsylvania.

Mr. PALMER. Mr. Chairman, negotiations for peace between the United States and Spain resulted in a treaty by which Spain ceded to the United States the Philippine Archipelago with all her rights of sovereignty and property. That treaty, negotiated by the executive branch of the Government, was ratified by the Senate, and the title thus obtained has been declared valid and perfect by the judicial branch. Therefore the legal title of the United States is complete. With the wisdom of this acquisition of territory we are not concerned at this time. That question was settled by the treaty-making power when the treaty was concluded and ratified.

If the wisdom of this acquisition were an open question it might be truthfully urged that from the beginning no step was taken that did not seem to be necessary and inevitable. No step was taken against the approval of a great majority of the people. Democrats and Republicans stood together in declaring war against Spain, in bringing it to a successful conclusion on land and sea, in negotiating and ratifying the treaty of peace which conferred the title and sovereignty of Spain in the Philippine Archipelago, in suppressing insurrection against the authority of the United States, in undertaking to establish a government in place of that destroyed by war.

The voice of the partisan was not heard in opposition to any of these movements until the campaign of 1900, when the issue was made upon the retention of the Philippines, but the people put the seal of their approval upon all that had been done or proposed by the reelection, by a great majority, of the great and good President who had been chiefly instrumental in taking over the sovereignty of the Philippines. If a mistake was made it was a mistake of practically the whole people and whether wise or unwise the people do not mean to repudiate their own action.

The beneficent purpose of the United States in acquiring title to the islands was expressed by President McKinley. He said:

No imperial design lurks in the American mind. That would be alien to American sentiment, thought, and purpose. Our priceless principles undergo no change under a tropical sun. If we can benefit these people, who will object? If in years they are established in government under law and lib-

erty, who will regret our perils and sacrifices; who will not rejoice in our heroism and humanity? I have no light or knowledge not common to my countrymen. I do not prophesy. The present is all-absorbing to me; but I can not bound my vision by the blood-stained trenches around Manila, where every red drop, whether from the veins of an American soldier or a misguided Filipino, is anguish to my heart, but by the broad range of future years, when the group of islands under the impulse of the year just passed shall have become the gems and glories of these tropical seas, a land of plenty and of increasing possibilities, a people redeemed from savage indolence and habits, devoted to the arts of peace, in touch with the commerce and trade of all nations, enjoying the blessings of freedom, of civil and religious liberty, of education, and of homes, and whose children and children's children shall for ages hence bless the American Republic because it emancipated and redeemed their fatherland and set them in the pathway of the world's civilization.

The treaty now commits the free and unfranchised Filipinos to the guiding and liberalizing influence, the generous sympathies, the uplifting education, not of their American masters, but of their American emancipators.

The right of the United States to establish and maintain a government, military or civil, in the Philippine Archipelago in the place of that destroyed by war, results from their acquisition and can not be questioned. The governments now maintained were instituted in the exercise of an undoubted belligerent right and in the discharge of a national obligation imposed by international law. By virtue of conquest, purchase, and occupancy, and in obedience to the duty of maintaining the security of the inhabitants in their persons and property, the provisional governments have been organized. In the case of *New Orleans v. Steamship Company*, 20 Wallace, 394, the Supreme Court held:

In such cases the conquering power has the right to displace the preexisting authority and to assume to such an extent as it may deem proper the exercise by itself of all the powers and functions of government. It may appoint all the necessary officers and clothe them with designated powers, larger or smaller, according to its pleasure. It may prescribe the revenues to be paid and apply them to its own use or otherwise. It may do anything necessary to strengthen itself and weaken the enemy. There is no limit to the powers that may be exercised in such cases, save those which are found in the laws and usages of war.

In *United States, Lyon et al. v. Huckabee* (16 Wallace, 414-434) the court say:

Power to acquire territory either by conquest or treaty is vested by the Constitution in the United States. Conquered territory, however, is usually held as a mere military occupation until the fate of the nation from which it is conquered is determined, but if the nation is entirely subdued, or in case it is destroyed and ceases to exist, the right of occupation becomes permanent and the title rests absolutely in the conqueror. Complete conquest, by whatever mode it may be perfected, carries with it all the rights of the former government, or, in other words, the conqueror, by the completion of his conquest, becomes the absolute owner of the property conquered from the enemy nation or State. His rights are no longer limited to the mere occupation of what he has taken into his actual possession, but they extend to all the property and rights of the conquered State, including even debts as well as personal property.

The right and the duty of the United States being clear, the question now to be decided is whether the proposed bill for the government of the Philippine Islands is a just and wise measure, within the lawful power of Congress, necessary for perfecting and ratifying the forms of government already in existence, and conducive to the good order and protection of life and property. The obligation to maintain the security of the inhabitants of these islands is cast upon the United States by the law of nations, they being the property of the United States by purchase, conquest, and occupancy.

The first step taken toward establishing a government in this our newly acquired territory was to send a commission of distinguished and able men, headed by Professor Schurman, to examine and report upon the condition and needs of the Philippine Islands. The next was to appoint a governing commission, at the head of which a distinguished jurist, Hon. William Taft, was placed. This Commission has enacted a code of laws, organized and put into operation governments in 37 provinces and 800 municipalities, and made substantial progress toward providing satisfactory conditions for the people.

If no unexpected obstacle had been encountered, it is reasonable to suppose that in a few years the substantial control of the islands might with propriety and safety have been turned over to the people, and the same measure of freedom might have been enjoyed by them that the people of other territorial possessions of the United States are now enjoying. Surely it is to be regretted that anything has occurred to mar the prospect of an early solution of the Philippine trouble, or to defer the benefits which just and equal laws would confer upon them. But obstacles were encountered. First, an ill advised and hopeless insurrection against the authority of the United States was instituted by certain revolutionary leaders, which was encouraged by theorists and dreamers as well as violent partisans here. As to the necessity for crushing this insurrection, there was and is no substantial difference of opinion. The task has practically been accomplished, the leaders captured, and the insurgents dispersed. Unfortunately it has not been without serious cost of blood and treasure, or without the unavoidable calamities and cruelties of war.

Just as the time seemed to be drawing near when an end of serious trouble might be expected an attack was organized in

this country upon the men and officers of the Army of the United States well calculated to prolong resistance to our authority in the Philippines and postpone the successful introduction of a free government by the people. The "malevolent misrepresentations" upon which the attack proceeds negative any conclusion that its authors regard the interests of the people of the islands. To accomplish their purpose they have not hesitated to assail the President, Secretary of War, the Republican Senators, the officers and men of the Army with accusations which, if true, would condemn them to the contempt and hatred of all honorable men. Listen to some of the charges:

The gentleman from Kentucky [Mr. RHEA] said in this House:

But nearly four years have passed and the bloody tragedy still goes on, and as the years have fled the Army has been enormously augmented; the expenditures are climbing rapidly to the half-billion mark; our military excesses have gone from bad to worse, until the country has been largely depopulated of its adult male citizenship, to say nothing of the women and children who have perished in the awful work of destruction.

In another body this charge was made:

Mr. President, history records many instances of cruelty and barbarity practiced in warfare. We shudder at the atrocious acts of the Huns when they overran ancient Rome, and the name of Attila, their leader, has become the synonym for all that is ferocious and bloodthirsty. He is known to history as the Scourge of God. But the Huns were barbarians, and they practiced that to which they were accustomed. The world stands appalled at the record of cruelties practiced by the Duke of Alva in the Low Countries; but Alva fought in the name of religion, and religious zeal when aroused to the point of war has never been merciful. Even liberty, when pushed to the wall, has had its votaries of blood. The French Revolution shook the world with its struggle and paralyzed mankind with its ferocity, and it left behind, to be added to the bloody roll of human scourges, the names of Robespierre, Marat, and Danton.

But it remained for an American soldier, in the twentieth century, representing the highest type of civilization, in a quarrel having not a single element of religious strife, having for its professed object the accomplishment of benevolent and philanthropic purposes, to raise his name to a pre-eminence of bloody infamy which places it above the names of any of the scourges of humanity to whom I have referred. This monster in human form, in cold blood, devoted an entire province to extermination; the males over the age of 10 years to slaughter, the females and younger children to the no less certain but the less merciful fate of starvation, because, bereft of their protectors, bereft of their homes, wandering with their young through a howling wilderness, what other fate than slow starvation was left for these stricken creatures and their unfortunate offspring?

In the same body this charge was made:

I mean that, so far as the Senator from Massachusetts is concerned, the whole tenor of his speech was a labored piece of special pleading to excuse—I probably used too strong a word when I said justified—I should not have said that, but the whole tenor of his argument was a labored piece of special pleading to find excuse and palliation for the bloody and infamous and inhuman orders of General Smith. The Senator himself suggests that there may be mitigating circumstances for the issuance of a wholesale death warrant against a whole people without stopping to make any discrimination whatever between friend and foe.

The Senator says there may be extenuating circumstances. Mr. President, there can be no extenuating circumstances. The Senator from Massachusetts in the whole course of his speech not only was unable to suggest a single circumstance that mitigated or extenuated in the least degree this inhuman order, but he failed to suggest a single reason why this man Smith ought not to be hanged as a common murderer. He is not quite as bad as Nero was. That is the plea of the Senator from Massachusetts. He has not yet dipped men in pitch and lifted them up on poles to be burned alive. Smith has not done that. That is the defense of the Senator from Massachusetts. He has not lit the far candles yet. He has done nothing but butcher in cold blood a whole people, including little children, leaving the women and the babes at the breast to starve to death in the land which he had made a howling wilderness.

That is the only defense the champions of Butcher Smith have been able to make on the floor of the United States Senate, and a man who says anything against Smith is dishonoring the American Army. Why do you not say that he is attacking the whole Smith family? Smith is not the American Army; Bell is not the American Army; Chaffee is not the American Army, neither is Root the American Army. So far as I am concerned, I do not intend to be deterred by any slanderous imputation upon the motive of Democratic Senators from expressing my opinion of any of the brutal and inhuman wretches who have been perpetrating these atrocities in the Philippine Islands.

* * * * *

Poor old scoundrel! Poor old murderer! Poor old butcher! I am proud to say, Mr. President, that up to this time the only man on the floor of the Senate who has been shameless enough to defend that bloody scoundrel has been the junior Senator from Iowa.

* * * * *

No, Mr. President, the facts alleged by Senators when they tell of the terrible hatred, the terrible cruelty which the Filipinos have exercised, and the remorseless retaliations, as they choose to describe them, which have been perpetrated upon them, although we have slaughtered people and tortured people who have committed no wrong, show that we are entering upon a task that means a century, perhaps three centuries, of constant bloodshed, of war, and of insurrection, that means the shedding of God only knows how much American and Filipino blood and of how much treasure to be wrung from the American people, and all, as I have said before, for no other purpose except that a few carpetbag thieves may have unlimited license to plunder the people of the Philippine Islands. That is what we are asked to do. We are asked to assume all that burden, we are asked to foot the bill, we are asked to tolerate murder and massacre and torture for no other purpose except that a few carpetbaggers may have the opportunity to rob the people of the Philippines as they used to rob the people of the Southern States.

In the same body this charge was made:

Oh, my God! that is the logic upon which Chaffee based the brutal orders and instructions which he issued to his subordinate commanders. Did Chaffee, alone, unaided, in coldness, and in brutality and in savage and unrelenting disregard of every humane sentiment or possibility of human suffering, conceive this iniquitous scheme? Whence, from what diabolical source, was it derived? The American people ought to know. Is there any penalty be-

neath the sun adequate to be meted out to the merciless wretch who has thus brought such dishonor upon the American name and the American people?

These charges are put forth by men who are or who hope to be leaders of the minority. I am well aware that in this Chamber there is a disposition to excuse and palliate and deny that these accusations were meant to defame and degrade the Army. Perhaps their indignant repudiation by the press and people have not failed of effect, but it is as useless to attempt to disguise the malice that prompted them as it is to now attempt to palliate or excuse.

If these accusations were true, the President, Senators, Cabinet, and Congressmen who are responsible for the policy in the Philippines, as well as the officers and soldiers of the Army, would not be fit to live in any Christian country. They would be entitled to the condemnation and contempt of all civilized men. That they are false in general and particular is well known to all, including the men who make them. A complete answer is found in the official utterance of the Secretary of War and in the evidence of many credible witnesses.

The war on the part of the Filipinos has been conducted with the barbarous cruelty common among uncivilized races and with general disregard of the rules of civilized warfare. They deliberately adopted the policy of killing all natives, however peaceful, who were friendly to our Government, and in literally thousands of instances these poor creatures, dependent upon our soldiers for protection, have been assassinated.

The Filipino troops have frequently fired upon our men from under protection of flags of truce, tortured to death American prisoners who have fallen into their hands, buried alive both Americans and friendly natives, and horribly mutilated the bodies of the American dead. That the soldiers fighting against such an enemy and with their own eyes witnessing such deeds should occasionally be regardless of their orders and retaliate by unjustifiable severities is not incredible. Such things happen in every war, even between two civilized nations, and they always will happen while war lasts. That such occurrences have been sanctioned or permitted is not true. A constant and effective pressure of prohibition, precept, and discipline has been maintained against them. That there has been any such practice is not true. * * * The war in the Philippines has been conducted by the American Army with scrupulous regard for the rules of civilized warfare, with careful and genuine consideration for the prisoner and the noncombatant, with self-restraint, and with humanity never surpassed, if ever equaled, in any conflict, worthy only of praise, and reflecting credit upon the American people.

Also in the testimony of General MacArthur:

I doubt if any war, international or civil, any war on earth, has been conducted with as much humanity, with as much careful consideration, with as much self-restraint, in view of the character of our adversaries, as have been the American operations in the Philippine Archipelago.

I desire to say that it is my deliberate judgment that there never was a war conducted, whether against inferior races or not, in which there was more compassion, and more restraint, and more generosity, assuming that there was a war at all, than there has been in the Philippine Islands.

Individual men have committed individual outrages, but when we compare the conditions that exist in the Philippines to-day in that respect with what have existed in all modern wars between civilized states, the comparison is absolutely in favor of the self-restraint and high discipline of the American soldier. The bearing of our Army as a whole was simply superb.

Also in the testimony of General Hughes:

I have no hesitation in saying that so far as I know the same consideration was shown the Filipino when he was captured or wounded that was given to our own people when captured or wounded in the civil war.

Also in the testimony of General Otis in answer to the following question:

Now, will you tell the committee what the fact is about the cruelty toward the native prisoners or otherwise of the American officers and soldiers, as to whether cruelty by American officers and soldiers was practiced upon the people or even upon prisoners, or whether, on the contrary, kindness and consideration was practiced by our troops toward them?

General OTIS. The greatest kindness. We were laughed at by the Spaniards and by Europeans for the humanity we exercised.

Also in the report of Professor Schurman's Commission:

We are aware that there are those who have seen fit to accuse our troops of desecrating churches, murdering prisoners, and committing unmentionable crimes. To those who derive satisfaction from seizing on isolated occurrences, regrettable indeed, but incident to every war, and making them the basis of sweeping accusations, this Commission has nothing to say. Still less do we feel called upon to answer the idle tales without foundation in fact. But for the satisfaction of those who have found it difficult to understand why the transporting of American citizens across the Pacific Ocean should change their nature, we are glad to express the belief that a war was never more humanely conducted. Insurgents' wounded were repeatedly succored on the field by our men at the risk of their lives.

The testimony of these honored and distinguished men ought to be sufficient to hush the lying tongue of slander, but it is not. So eager are the slanderers that they seize upon isolated instances of so-called cruelty perpetrated by individuals and magnify them into a cause for a wholesale condemnation of the whole body of American troops and of all the Government officials who are in any way responsible for the army in the Philippines. It would be as just to condemn any Christian community in which a murder is committed as being a community peopled only by murderers.

What can be the motive prompting these false and slanderous accusations? Why has this "campaign of vituperation" been opened? Considering the quarter from whence it comes and the character of the accusers the only answer possible is that it is animated by a desire to secure a petty partisan advantage. The authors hope to bring the Republican leaders and Administration into contempt

and under condemnation by the people. They hope to install themselves in places of power. To accomplish this purpose they are willing to forget patriotism, their country's glory, and the just pride of Anglo-Saxon men. They shout base and unfounded charges against the soldiers of the Republic who have done duty under a burning tropical sun, forcing their way through jungles and swamps and wildernesses, beset by a lurking and savage foe, surrounded by treachery, shot from ambush, encompassed by an enemy bound by no rule of civilized warfare, who torture, mutilate, and burn prisoners of war.

They denounce the battle-scarred officers of our Army as butchers and murderers, the Government of their country as being engaged in the slaughter of innocent people for the purpose of giving thieves and scoundrels a chance to rob the inhabitants of and to plunder the Philippine Islands, and they do it to gain a partisan advantage. May God forgive them; surely they know not the mischief they are doing. They take no account and make no mention of the intolerable conditions and unbearable provocations suffered by our men. They make no mention of such cases as that of Private O'Hearn, who was captured by apparently friendly Filipinos, tied to a tree, burned four hours with a slow fire, and then slashed into pieces with bolos, or to the five native scouts who, with one soldier of the Fifth Infantry, were taken prisoners off Batac January 1, and who were found east of that place with heads, legs, and arms cut off and otherwise horribly mutilated. The soldier of the Fifth Infantry, after being taken, was cut with bolos and left on the field for dead. He revived and was able to crawl to a shack when night came on. Information was given a local leader, and he was again taken prisoner and murdered.

Or of the case of the American sailor, as reported in the record of a court-martial:

With respect to the first specification, it is made plain by the testimony that after the fight had by Lieutenant Gilmore, of the Navy, near Baler, four American sailors lay on the bank of the Sabali River, and that the accused and a detachment of insurgent soldiers were detailed as a burial party. This party, accompanied by one Quicoy, a staff officer of the insurgent chief who commanded the district wherein Baler is situated and the forces serving therein, proceeded to where the Americans lay and found two dead and two wounded. Four unarmed natives had been compelled to go along to act as gravediggers, and these were put to work preparing a grave sufficiently large to hold four bodies. The grave being completed, the two dead sailors were placed in it, and the party then waited for the wounded to die.

One of the latter was shot through the thigh; the other was shot in the chest as well as in the leg, and was near the point of death. The wounded men asked for water and it was given them from the river; but beyond this no relief or assistance appears to have been given. When the third man died he was placed beside the other two in the grave and the party again waited for the fourth man to die. His wound, however, was of a kind not necessarily fatal and death was slow in coming, so that the party became impatient. The gravediggers had begun about 9 a. m. and it was now past noon. The dying man asked for water, and was able to drink when it was given to him. Shortly afterwards he was placed in the grave beside his three comrades, and the native who was standing in the hole began covering him slowly from the feet, so as to give him time to die. In this way the body was covered to the neck, and then the gravedigger called out, "What about this man? He is alive yet," to which the accused replied, "Go on burying him," and it was done.

Or of the case of Midshipman Noah, reported by a correspondent of Collier's Magazine:

One more incident of the many that came under my observation and reconciled me to the character of the war we are waging in Samar. A little midshipman just out from Annapolis was patrolling the strait in a yawl from the flagship *New York*. He was after the smugglers who bring arms to the insurgents from Leyte. The great gale had blown the yawl out into the Pacific, and when it subsided little Noah and his six men were exhausted. Their water had given out, and they tried to make Basay, Admiral Rogers having ordered them not to land except at an armed post. The wind died away while Basay was still 2 miles off.

Two of his men were delirious with thirst, and there was the little village of Nipa Nipa only a few hundred yards away flying the white flag of peace and friendship. Noah, as he floated near the shore, lifted up his empty water jar, and the kindly people on the beach understood. They lifted up water jars overflowing with the precious fluid and pointed at the white flag to reassure him. He pushed his boat into the surf, and, telling his men to wait in the boat, advanced some 50 yards up the beach, where the good Samaritans were awaiting him with their water jars. As he drank his first deep draught two of the natives, one a woman, crept behind him and buried their knives in his back.

He was a native of Chattanooga, Tenn. He lies buried under the sands at Nipa Nipa. His kindred will, no doubt, read with pride and satisfaction the denunciation of the American soldiers and the eulogies of the Philippine banditti uttered by the gentleman from Tennessee [Mr. GAINES].

Or of the case of Juan Salvador, a sailor:

In the foregoing case it appears that these accused, Dionicio de la Cruz and Pio de Castro, about May 11, 1901, at barrio Gatboca, Calumpit, seized, bound, and conveyed to the fields one Juan Salvador, a native sailor of the U. S. gunboat *Charleston*. There, while the victim was held by De la Cruz, he was stabbed repeatedly in the stomach and abdomen by De Castro, who literally obeyed De la Cruz's order to "cut out the intestines of deceased."

These are only samples of hundreds of such cases.

Is it wonderful that such abominable outrages against humanity and the laws of civilized warfare should be met with retaliation? Ought we to require a higher morality or more humane conduct from our soldiers in the Philippines than is practiced in this country in times of peace?

The consequences of this unparalleled and outrageous assault must have been foreseen and therefore intended. It tends to disgrace the officers and men of the Army in the eyes of all people and degrade them in the estimation of the world. Do the assailants of the Army who deliver their attack from the safe seclusion of legislative halls hate the boys in blue? The time is within the memory of some of us when at least some of them did. Are these attacks made out of sympathy for the Filipinos and a desire to better their condition? If so, they must be prompted by tender and sympathizing hearts. But the bitterest assaults come from men who declare that "to keep this Government a white man's government" they are willing to break and defy every law of God and man; that to accomplish this purpose they have bulldozed, intimidated, hung, shot, burned, and mutilated men a few shades darker than the Filipino, and intend to do it again if necessary to accomplish their purpose. They proclaim their intention to trample and rend the Constitution, if need be, to have their way. In the words of the admirable Plunkett—

They stickle for the letter of the Constitution with the affectation of a prude, but abandon its principles with the effrontery of a prostitute.

Surely hearts that overflow with sympathy for the brown men of the Philippines, and that so yearn for the independence of the heathen people of the islands of the seas ought not to be void of a single spark of pity for the black man of the South. Surely their motive is not sympathy with or a yearning for liberty for the Filipino.

The American people will never approve the defamation or degradation of the Army, or honor its defamers. They believe the American officers and soldiers to be as brave, generous, and humane as any soldiers that ever buckled sword. They do not believe they are all angels or all devils. They know that if acts have been committed which are not permitted by the rules of civilized warfare, the provocation has been great, perhaps beyond the capacity of human nature to endure. The campaign of abuse will fail, from it no harvest of partisan advantage will be gathered, but upon the heads of those who sought success by such means will be visited a judgment of condemnation and disgrace.

Whatever may be finally done with the Philippine Archipelago, it may be assumed that there are some things that will not be done. The United States will never agree to give up the Philippines to their Spanish tormentors, or leave them to be wrangled for by other nations, or surrender friendly Filipinos who have assisted us and by many acts manifested their friendship and their desire to recognize our Government, to be plundered and murdered. They have been shot and burned by the thousand by the insurgents for no other offense than friendship for the United States in the past. What treatment would they be likely to receive in the future? Can we afford to abandon to certain pillage, robbery, and murder those who have been guilty of no crime save that of friendship for our soldiers and Government?

Mr. SIMS. Mr. Chairman, may I ask the gentleman a question?

Mr. PALMER. Certainly.

Mr. SIMS. Have you any knowledge of any lynching that ever took place at the command of the civil authorities?

Mr. PALMER. No; nor I never knew of a murder committed by the order of officers of the Army.

Mr. SIMS. What about General Smith's order?

Mr. PALMER. It was entirely within General Orders, No. 100. That order is entirely within the rules of civilized warfare, adopted by the United States during the civil war, and later adopted by nearly every civilized power in the world.

Mr. SIMS. Why not, if this be true, commend rather than condemn him?

Mr. PALMER. Do you condemn him before the court-martial convicts him?

Mr. SIMS. Why do you not commend him, if he carries out the orders of war?

Mr. PALMER. I am willing to await the determination of the court-martial. So far as I can see, he was entirely within the rules of civilized warfare, as laid down by order No. 100, issued by this Government during the civil war and afterwards adopted by practically all the nations.

Mr. SIMS. Do you say there are orders or regulations of war which command or permit the killing of children 10 years of age?

Mr. PALMER. Yes; if the children 10 years of age are as effective as boys of 15 years, and are engaged in actual warfare and actually taking part in the assassination of soldiers. I do not see any difference between boys 10 years old and those who are older.

Mr. SIMS. I am asking if you know of orders or regulations of this country that will permit or require the killing of children 10 years old, all of them, without any discrimination as to whether they are engaged in warfare or not?

Mr. PALMER. If capable of fighting, or if they are taken with arms in their hands, they should be treated exactly in the way that they were. Orders as bad were issued during the civil war by General Frémont.

Mr. SIMS. I want to ask the gentleman in all kindness if he thinks that is right and does he indorse it?

Mr. PALMER. I say whatever the finding of the court-martial is it will satisfy me. Will it satisfy you?

Mr. SIMS. Not if he has been guilty of what has been represented.

Mr. PALMER. Who is to decide?

Mr. SIMS. Smith admits it.

Mr. PALMER. If the properly constituted tribunal finds him not guilty, will you be satisfied?

Mr. SIMS. If he admits the facts, I do not think he could be found not guilty.

Mr. PALMER. You assume that you, 10,000 miles away, are better able to determine the guilt than the officers who constitute the court-martial?

Mr. SIMS. If he admits that he gave the order, that constitutes the question we are considering, and not whether he is to be excused for it or not.

Mr. PALMER. It is not a question of excuse. It is a question of justification. He was justified or he was not. If he was justified, he will be acquitted. If he was not justified, he will be convicted. What I am asking you is whether you are going to be satisfied with the verdict of the court-martial?

Mr. SIMS. Not if it acquits him. But right there let me say to the gentleman—he speaks about lynching in times of peace. Everybody thinks that is wrong, and of course there is no excuse for it. Does the gentleman expect soldiers coming from such a people, 10,000 miles away, will do better than they did at home?

Mr. PALMER. Certainly not; but the people of the South or the North, wherever lynchings occur, ought not to be condemned and denounced as murderers because lynching took place there. Nobody takes any such ground, and it is for that very reason that we object to this wholesale condemnation of the Army and of the Republican Administration because in individual instances men, under the stress of provocation which could not be endured, which no human being could endure, have committed these acts. Let me ask the gentleman: Suppose your tent mate in the Philippine Islands, or at any other place where you were, was captured under a flag of truce and was roasted for four hours by slow fire and then slashed to pieces with bolos, and suppose you got hold of the people that did it, what would you do?

Mr. SIMS. Well, I expect I would act pretty roughly. [Laughter.] But that is not a parallel case with the orders of the commanding general.

Mr. PALMER. Oh, well, all your malice and indignation seems to be devoted to Smith. What was done in pursuance of Smith's order?

Mr. SIMS. Samar was made a howling wilderness.

Mr. PALMER. It was a howling wilderness before the order was issued.

Mr. SIMS. Then what was the use of giving the order?

Mr. PALMER. Oh, you roll that matter under your tongue with the utmost delight and gusto. In point of fact, Samar was nothing but a howling wilderness, or a wilderness without the howl, before the order was issued. If nothing was done except what Major Waller did, it was not made a wilderness pursuant to Smith's order. You have not been able to point to a case, and there is not a case where any boy 10 years of age, or any woman, was ever killed in pursuance of Smith's order, and all this is like the devil shearing a hog—all cry and little wool.

Mr. SIMS. What use have we got for Samar if it was nothing but a howling wilderness before General Smith gave his order?

Mr. PALMER. Oh, we will make that bloom and blossom like the rose in spite of your prediction.

Mr. SIMS. Well, I did not mean to interrupt the gentleman to this extent, but he is talking about our denouncing the Army.

Mr. PALMER. That is what you are trying to back out of now.

Mr. SIMS. I demand an instance of our denouncing the whole Army.

Mr. PALMER. I have read the instances where it was done by the leaders of your party.

Mr. SIMS. Name one of them.

Mr. PALMER. They denounced the Army, the Secretary of War, and all the Republicans that were in any way responsible.

Mr. SIMS. I did not know that all the Republicans were in the Army. [Laughter.]

Mr. PALMER. I say all the Republicans responsible for the presence of the Army in the Philippines, and you charge it upon the whole output.

What would be the condition of the people generally under any government that would probably be established can only be imagined. Would they enjoy greater liberty and better advantages than they now enjoy or which they will enjoy under the protection of the United States? In my opinion, the people of the Philippine Islands would, even under an American military government, enjoy a hundredfold more liberty and be far better

protected in life and property than ever before, or than they would be left at this time to attempt the impossible task of self-government.

The time to decide what shall finally be done with the Philippine Archipelago and its people has not yet arrived. The minority demands that an unqualified guaranty of independence shall be immediately made to the Filipinos. They prophesy that if it were done resistance would cease and submission take the place of insurrection. But who can verify such a prediction? If the measures already taken to improve the condition of the people of the islands does not convince them of the friendly intentions of the United States, all the paper promises that could be made would never satisfy them; they would not believe though one arose from the dead to give the assurance.

Suppose the United States concludes to abandon the Philippine Islands, what will be the probable, nay, the inevitable, consequences? The declared purpose of the insurgent Filipinos was to loot Manila and murder all the foreign-born population. These foreigners are English, Germans, French, Americans, and Spaniards. They own valuable property in the city and in the islands. The nations of which they are citizens are in the habit of demanding redress for wrongs done their subjects. Would England, Germany, and France have a just claim against the United States if the islands were abandoned and that purpose was carried out?

That would depend upon the obligations assumed by the United States when the sovereignty and title to the islands was conveyed by Spain. By the law of nations we were bound to protect the life and property of all the people who inhabit these islands and to maintain peace. Can that obligation be relinquished at pleasure by withdrawing our troops and surrendering the country?

We believe there is nothing left but to go forward in the plain path of duty and honor, teaching freedom and the art of self-government to that untutored people until they learn the lesson. Borrowing the brave words of the President:

When they have shown their capacity for real freedom by their power of self-government, then, and not till then, will it be possible to decide whether they are to exist independently of the United States or to be knit to us by ties of common friendship and interest.

Mr. JONES of Virginia. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. CONRY].

Mr. CONRY. Mr. Chairman, I do not propose at this time to enter into an exhaustive review of our relations with the Philippine Islands nor to criticize the policy and conduct of our Government during the past three years, with its attendant demoralizing effect upon the people of the country; nor do I propose for my text to seize upon isolated instances of barbarity and harrow up your feeling with stories of cruelty before which the blood runs cold and decent men recoil in horror.

When, however, we learn of an entire province ordered to torture and destruction by sword and torch in the name of the American people, we are compelled to give expression to a mighty indignation which can no more be restrained in its action than the whirlwind in its course, the rivers rushing on to the ocean, or the ocean rolling back its majestic tides. [Applause.]

For almost four years the Government has been at war with the people of the Philippine Islands. I am aware the Administration prefers not to dignify the situation as a state of war, but refers to the trouble as an insurrection.

But call it war or insurrection, we know that way out there in the Philippine Islands men are being killed, brave American soldiers on one side, unfortunate natives on the other.

It was but natural to expect during these four years many cruelties of a revolting nature would be committed as unavoidable incidents of a tropical conflict.

We were prepared to learn our boys had suffered at the hands of the natives torture and death.

This was the essential price we agreed to pay for our imperialism. The jewel money we gladly expended to bedeck our flag with the pendants of empire.

At first we hesitated; the finest intellect and moral courage of the country bade us pause and consider well the full significance of the course on which we entered. Then the hoarse partisan cry was uttered; commercialism at home and abroad, selfish interests, colonial ambitions, jingoism, all joined in discordant, passionate chorus:

The flag has been uplifted—now, who will haul it down?

So the war went on. Apparently the people approved the action of the Government in sending an army of 50,000 men 8,000 miles away to carry the blessings of liberty and civilization, first in gun barrels, then in whisky barrels.

It mattered not how many of these men would come back as victims of hideous disease; it mattered not how many of them would be brought back as howling maniacs; it mattered not how many of them would never come back, but whose bones

would be laid away forever in the jungle. I say the people apparently approved the war.

But it was not a genuine, healthy American feeling—not the kind of spirit which pervaded the country and moved the men who became our everlasting heroes on land and sea and in the council chamber in Revolutionary times [applause]; not the spirit which builded the foundations upon which rests to-day the soundest structural framework of constitutional liberty the world has ever witnessed. There was something lacking, something absent, something that could not quite arouse the enthusiasm of the American people. Aye, more, there was a strong suspicion struggling for expression that rather than carrying liberty and civilization and freedom and hope and happiness to an unfortunate people we were actually engaged in conflict to hold as unwilling subjects people who of right ought to be free and independent.

Yet the fighting went on. The American arms were successful, as they always must be.

But the spirit of dissatisfaction at home grew bolder and bolder. Rumors of outrages inflicted on helpless natives gained circulation and stories of cruel punishments applied to prisoners to compel them to testify against their own, began to worry the public mind. And while the busy wheel of industry sang its contented song, while the farmer, the miner, the merchant, and the mechanic all participated in the blessings of material prosperity never equalled by other lands since the beginning of related events, that noonday sun of satisfaction was clouded by horrible doubt and suspicion that somewhere in the world brutality was practiced under the American flag on unfortunate human beings, whose only crime was an ambition to establish their own government.

We had time and time again been assured that the war was ended, that peace was restored, and civil government faithfully administered was attracting the earnest support of intelligent natives.

Intermittently we would receive news of more fighting, then we were told the war we supposed had ended was being vigorously prosecuted, yet with "marked humanity and magnanimity."

Then came a mass of assertions, claims, charges, countercharges, bulletins, letters, statements, investigations, hearings, denials, contradictions, inconsistencies; nothing reliable, everywhere confusion. But all the letters, bulletins, and statements ever issued by all the bureaus of the Government—all were unavailing, all superfluous, all in vain. That dreadful disturbed feeling of uneasiness and unrest, that indescribable, undefinable emotion which can no more be analyzed than the element we know as electricity, stirred the whole American people with keenest indignation at the suggestion that outrage was committed and torture was inflicted on any human beings in the name of the American people.

What is this strange power that causes fear, apprehension, and anxiety? I can not tell. I do not know. I do not care. But that it had good reason to exist was definitely shown when, April 8 last, Major Waller, Captain Porter, and Lieutenant Halford testified in Manila that General Smith gave orders to kill all natives of Samar over 10 years old. On the 11th of April Major Waller admitted that he killed Filipinos as charged, but under instructions from Smith, and pleaded the justification of martial law.

April 14 private soldiers testified to the application of torture as a regular policy by officers and men of the Regular Army. Finally, on the 25th of April, at a court-martial held in Manila, Jacob H. Smith, a general officer in the United States Army, admitted through his counsel that he had given instructions to Major Waller to kill and burn and make Samar a howling wilderness, and that he did specify all over 10 years of age.

Oh, what an everlasting shame!

We who had been carrying on these three centuries the struggle for the uplifting of mankind. We who had reared to the memory of our great teachers marble and granite columns on foundations so firm and deep they seemed to penetrate to the center of the earth, forming an axis around which revolved in hope and confidence the freedom and humanity of the world. We who had planted our standard so high, waving on the pure free winds of liberty, piercing the fleecy clouds of heaven, the fluttering folds of our colors mingling and blending in consummate harmony with the drapery adorning the great throne before which the angels sang. [Loud applause.]

The camp fires of our soldiers, which for a hundred years sent forth the incense of liberty, now smoked over the desolate ruins of destroyed villages.

We had fallen to the brutal level of pagan colonizers, and were to kill and burn and destroy all that crossed our path.

How our English cousins will chortle with maudlin joy!

How every outrage perpetrated in the valleys of South Africa will be sturdily defended by the Government benches in Parlia-

ment, gleefully pointing to the precedent established by Smith in Samar.

Aye, Mr. President, it is well you should send your ambassadors to the coronation of Edward; it is a covert compliment to the English idea of civilization. The memories of millions of indescribable outrages committed in the name of English colonization in America and Africa, in Ireland and India are now approved, hal-
lowed, and sanctified.

Send your ambassadors to the coronation of Edward; strike welcome hands as congenial spirits across the outraged bodies of Boer and Filipino; fold in bloody embrace the Empire sweltering in glory and in gore.

Send your ambassadors to the coronation of Edward; let their parchment commissions be decorated with the red blood of the innocent children of Samar; it is your strenuous guaranty that hitherto England has always been in the right and we have been in the wrong.

Send your ambassadors to the coronation of Edward; but send them not in the name of the American people, but rather as special pleaders of a partisan Administration seeking relief from the shame and stain of slaughter and the burdens of conscience by courting the favor of an Empire which centuries ago sold conscience for colonies and conquest. [Loud applause.]

General Smith made his confession in open court more than a month ago. It has never been withdrawn or qualified. Nay, his counsel defiantly claimed justification for his action and insultingly compared Smith to Grant.

Now, Mr. Chairman, this House wants to know, as the country wants to know, without unnecessary delay, without evasion or circumlocution, who is responsible for the order General Smith confesses to have issued.

I offered a resolution in this House the 27th day of April, which I will now ask the Clerk to read.

The Clerk read as follows:

House resolution No. 230.

Whereas it is stated in the public press that at a court-martial held in Manila, P. I., April 25, 1902, Gen. Jacob H. Smith, an officer of the United States Army charged with conduct prejudicial to good order and discipline, counsel for defense admitted that General Smith gave instructions to Major Waller to kill and burn and make Samar a howling wilderness, that he wanted everybody killed capable of bearing arms, and that he did specify all over 10 years of age: Therefore, be it

Resolved, That the Secretary of War be, and he is hereby, requested to report to the House of Representatives if said orders were issued with the knowledge and approval of the War Department; and if not, be it further

Resolved, That the Secretary of War be, and he is hereby, requested to ascertain and report to the House of Representatives whether said orders were issued by General Smith, acting on his own responsibility, or under the instructions of any superior officer.

Mr. CONRY. Another resolution, substantially the same in character, but not so definite in detail, was offered the same day.

The Committee on Military Affairs recommended the passage of an order simply asking for all the papers relating to the campaign in Samar.

Why this fear, Mr. Chairman? Why not answer the plain question? Is the War Department willing or does it refuse to assume responsibility for this "revolting" order?

Gentlemen of the House, the conscience of this country has not become so seared that it will tolerate in complacency the issuance of an order of this character. The country wants responsibility placed for this order, aye, if it leads right up to the table of the strenuous one. A gentleman high in the ranks of the Administration leaders denounces this order as "revolting," and insists that the Administration must not be held responsible. Yet the Administration knew substantially what was going on.

The general facts of the campaign were known to the entire Army. General Miles, on the 17th of February, wrote to the Secretary of War begging permission to go to the Philippines, and said in his letters: "The warfare has been conducted with marked severity."

The Secretary of War rebuked the veteran Miles on the 5th of March, refusing to consider his application for duty in the Philippines, and adds with superior knowledge: "It is not a fact the war has been conducted with marked severity; on the contrary, the warfare has been conducted with marked humanity and magnanimity on the part of the United States."

Did the Secretary of War know at the time he wrote this letter of the existence of the Smith order to kill and burn?

If he knew of it, is it not fair to assume that he approved of it by his silence, as we are not informed that Smith ever was rebuked for his infamous action?

If he knew of it and approved of it by his silence, how will we characterize his letter to General Miles, "that the war was being conducted with marked humanity and mananimity?"

If he did not know of the order, was he not negligent in the performance of his duty, and should he not be held for criminal carelessness?

I am in receipt of a letter from a distinguished clergyman in

Boston—not a sensationalist, but a high-minded Christian spirit, who would shudder at the thought of gaining notoriety in the performance of his duties—in which he says:

Is the Secretary of War responsible? It seems as if he had been either culpably ignorant or deliberately deceived the people. He should explain his position. If he has been culpably ignorant, I believe the public outcry will compel the President to remove him, and if he has deceived the people, he should be impeached.

[Applause.]

I listened on the afternoon of May 5 to a brilliant defense of the Administration by one of its most distinguished spokesmen, but I listened in vain for one word criticising the author of the "revolting order" to kill and burn in the island of Samar.

I read 15 columns of the CONGRESSIONAL RECORD to find a single sentence condemning Smith, but I read in vain.

I heard much that day about provocation to torture, and while it was not urged as a defense, it was offered as an extenuation of the cruelty practiced on the natives.

It was urged that greater cruelties had been inflicted before in the history of the world; the Neronian persecutions, the outrages of the Tartar hordes in Russia, and the tortures of Alva and Torquemada, and as I listened I heard the defender of the Administration say, in what sounded to me a tone of disappointment:

I have heard of nothing of that sort in the Philippines.

And yet the Democratic party is held up to the world as abusing the Army. The American soldier may well cry out, "Spare me from my friends."

The substance of the Administration defense is:

Our enemies have acted as savages; let us become savages, too.

Because of your horrible atrocities in the Philippines, you have aroused the righteous wrath of the country, from which you now seek refuge by crying out, "The Democrats are attacking the Army."

Attacking the Army! Who is guilty of the cruelest attack ever made on the American Army? The Administration in power and the officers in command, who permitted, encouraged, and ordered torture applied to prisoners taken by American soldiers.

Soldiers merely carry out the orders of the commander in chief. Their first and most sacred duty is obedience.

They can not inflict torture and cruelty of their own accord. It is a violation of the rules of war, and they would be punished for disobedience. So we know that if barbarity exists in the Philippines, it is there as part of the war policy of the Administration.

And from competent testimony submitted, we learn that torture is inflicted by orders, and the reason alleged, the excuse offered, is that we are compelled to resort to such practices if we are to achieve success in our military operations.

Exactly the same reason Spain offered for her concentration camps in Cuba; the same excuse offered for her Weyerism, the moving cause of our war for the freedom of Cuba.

Now, the War Department is compelled to admit its inability to establish peace, unless we do in the Philippines what Spain did in Cuba.

The debate on this bill has gone on four weeks, during which time defender after defender of the Administration has adroitly taken up every discolored page in history to make the situation appear respectable. Apparently, however, conscience was not yet satisfied.

That restless, passionate, impulsive spirit which will not be confined within the constitutional bounds of Executive power burst into expression on Memorial Day over the soldier's grave.

We will waive the question of taste or propriety in selecting a day of most tender memories for the delivery of a partisan stump speech.

Recent royal associations aroused incipient imperial tendencies which gently remind us, "The king can do no wrong."

It was not what was said on that occasion, for the same thing had been said many times before, if not said quite so well, but that it should be found necessary to drag the Executive into a partisan debate.

The accumulated evidence of all other witnesses is insignificant beside this, as showing the thought uppermost in the Administration mind—anxiety to escape punishment for wrongdoing.

He, too, found refuge in the hope that torture in the Philippines would not be criticised while lynching occurred in this country, and he achieved a parliamentary triumph by his individual opinion that "these cruelties in the Philippines have been wholly exceptional and have been shamelessly exaggerated." He, too, believes that men who desire to abolish torture in the Philippines "traduce the Army."

When Theodore Roosevelt, a courageous volunteer officer of courageous volunteer soldiers, signed a round-robin attack on the War Department for its canned beef and other rotten military supplies served to our soldiers in Cuba, was he traducing the Army, or was he doing a great public service? [Loud applause.]

We can criticise the "water cure" only at the risk of traducing the Army, and when we complain of the brutality and inhumanity of concentration camps we are accused of assailing the American soldiers.

The American soldier—we love the American soldier. His record during a century and a quarter has been brilliant, chivalrous, glorious, without reproach and without stain, until the appearance of Smith.

The American soldier, from the farm on the hillside, from the lumber camp, from the stone quarry, from the mines, from the prairie, or from the crowded city, is to-day without a superior in the world.

Thousands there are to sound the praise of the American volunteer, in which praise I heartily join. My own ideal is the soldier from the great city.

The boys with fair faces, bright eyes, and fearless hearts, inexhaustible nervous energy, vitality, and strength; to him the joys of battle are not its spoils or loot or booty, but its peril, love of conflict, adventure, and glory.

The charge, the mad rush, the shock of battle are to him but the noisy echoes of his daily life; prodigal of his patriotism; ready to share his last cup of coffee with comrade or stranger; tender as a girl, yet will fight like a tiger, and when the battle is over will laugh and dress the wounds of friend and foe with like generosity.

For him there is no outrage, no barbarity. For him respect for woman is equaled only by love of country. The knightliest character in romance never equaled him in chivalrous action. From his earliest life, when his infant feet danced on the paved street of the crowded city to the music of the hurdy-gurdy, and later when the widowed mother spent perhaps the last dollar in the house to buy the uniform blouse that would enable her boy to march with the school regiment before the admiring eyes of the girls who filled the streets until he burned with the first grand passion, he was taught to love and respect and venerate woman.

He may swear vengeance on the enemy for the torture and death of a companion, but he will get his satisfaction like a soldier, in man fashion, with his weapon in his hands, facing an armed enemy.

An order to kill and burn and destroy all over 10 years of age is as "revolting" to this man as to a United States Senator, and the bitterest abuse, the most humiliating attack, the vilest slander he ever endured, was when he was ordered to kill all over 10 years of age.

I know him, not as an individual, not by the dozen, not by the score, but by the hundreds and thousands; the roll call of the army in the Philippines might well serve as a duplicate voting list of a Democratic ward in Boston. [Long-continued applause.]

April 23, almost two months ago, the Boston papers devoted considerable space to the testimony of two soldiers recently returned from the Philippines, where they had served with Company D, Twenty-sixth Infantry, United States Volunteers.

These men tell the story of the murder of Father Augustine, a Roman Catholic priest, at Bolo.

According to the testimony of these men, the priest was murdered by the application of the water cure; murdered—foully, cruelly murdered—on December 9, 1900.

The gentlemen charged with the investigation of affairs in the Philippines have never sought to establish or disprove the truth of this horrible charge.

Affidavits are at hand showing the names of all who participated in this brutal murder, yet notwithstanding two months have gone by since the charges were made public nothing has been done in the matter. It is quite possible hope exists in some quarters should the matter be kept quiet long enough action will be barred by the statute of limitations.

These same men tell of a campaign in Dungas, in July, 1900, when they were acting under orders to burn everything and take no prisoners.

At Dungas the company came to a hut where a native woman had just given birth to a child.

The woman and child were dragged from the hut, the shack was burned to the ground, and the woman and child were left to perish from exposure and starvation.

I have frequently been asked in recent years how the continued agitation of the Irish party was kept up and how it was the descendants of the Irish in this country for generations, many of whom had never seen Ireland, still continued to support the agitation.

Gentlemen, this outrage I have just described as perpetrated in the Philippines was the favorite pastime of the English soldiers in Ireland—to find a woman with child, drag her from her bed and throw her on the roadside, tear the roof from the cottage, and set fire to the household goods, and if a male member of the family could be found, hang him to the nearest gibbet.

This was the treatment English soldiers accorded to the Irish, and it can never be forgotten. England will never allow it to be forgotten, as she does the same thing in India, in South Africa, and wherever she sets the roughshod hoof of the conqueror.

When the children of your great grandsons shall assemble in this Chamber, when the history of the Fifty-seventh Congress shall have passed into peaceful oblivion and our names are forgotten, then will the bitterness and anger and hatred flash as fiercely in the bosom of the Filipino as it did in the days when Smith issued his infamous order to kill all over 10 in the island of Samar.

What do we Democrats propose to do? Briefly this: Establish independence in the Philippine Archipelago, issue a proclamation at once to the inhabitants of the Philippines that we believe they are and of right ought to be free and independent states, and notify the world that we propose to stand watch and see that the Filipinos are not molested in their desire to establish their own form of government.

This is the general proposition; let us perfect the details when we are in possession of all the facts.

It is my belief Congress can not act intelligently on this matter until we are in position to know the exact conditions existing in the Philippines. Let us appoint a commission thoroughly representative of both sides of the question and have it make a study of the country, not for the purpose of exploitation, not to ascertain its mineral wealth, not to count the acres of timber which constitute its noble forests, not to measure and calculate upon the fertility of its soil, but rather to sound the depths of gratitude and affection in the hearts of a people capable of great love. [Applause.]

Let us go there with clean hands and honest hearts, free from the stain of imperial ambition. Let us proclaim our purpose to the world and peace will follow war.

Which is the higher order of statesmanship, to secure the affection of a people, as we have done in Cuba, or to enforce the brutal submission of a people, as England has done in South Africa?

After all, courage and patriotism are the common possession of mankind. The inhabitants of the Tropics share these virtues alike, and in addition they inherit a trace of treachery and deceit which is abhorrent to us, but we can not cure that by sinking to their depth; rather must we raise them to our level.

One of the reasons offered to justify General Smith's order is that the children he ordered killed shared with their parents the hatred of Americans. The evidence from all sources goes to show we are more bitterly hated by the Filipinos than even Spain was. In the report of Major-General Otis on military operations and civil affairs in the Philippines, dated 1899, I find on page 70 the following paragraph:

Even the women of Cavite Province, in a document numerously signed by them, gave me to understand that after all the men were killed off they were prepared to shed their patriotic blood for the liberty and independence of their country.

In connection with this sublime paragraph I want to add a reflection the great philosopher Franklin put in the mind of his friend David Hartley, a member of Parliament, during the Revolution:

If a man naturally cool and rendered still cooler by old age is so warmed by our treatment of his country, how much must these people in general be exasperated against us. And why are we making inveterate enemies by our barbarity, not only of the present inhabitants of a great country, but of their infinitely more numerous posterity, who will in future ages detest the name of Englishman as much as the children of Holland now do those of Alva and Spaniards? This will certainly happen unless your conduct is speedily changed and the national resentment falls where it ought to fall most heavily—on your ministry or, perhaps, rather on the king whose will they only execute.

So our national resentment will fall most heavily where it ought to fall—on the Secretary of War, or on the President, whose will he only recognizes.

And well we may ask, Why are we making inveterate enemies by our barbarity, not only of the present inhabitants of a great country, but of their infinitely more numerous posterity?

Such is the price you agreed to pay for your imperialism. Did you estimate the full cost when you entered on your policy of exploitation? Torture, outrage, and murder, not in the heat of violent anger, excruciating pain, and mad passion, but in cold blood under orders. Such is the price you agreed to pay for your imperialism.

The carloads of maniacs passing through the country, the loathsome diseases festering in large cities and small towns—this was the price you agreed to pay for your imperialism. Your own conscience stifled, your own voice stilled forever, when the weak, struggling for liberty, are overcome by the strong. This is the price you agreed to pay for your imperialism. The Declaration of Independence prohibited in the Philippines. The most cherished patriotic custom observed in the city of Boston is the exercises held in Faneuil Hall on July 4. Since 1783—for one hundred and nineteen years—the people of the city have annually

assembled to hear some distinguished citizen repeat the ancient story of patriotic purpose and review our patriotic faith. For one hundred and nineteen years the brightest boy in the public schools of Boston has read from the platform of Faneuil Hall the Declaration of Independence.

You have prohibited the Declaration of Independence in the Philippines. When will you prohibit it in the city of Boston? [Applause.]

You answer that all these things—torture, outrage, and murder in cold blood, the denial of the Declaration of Independence—are mere incidents of war.

Ah, gentlemen, have you ever paused to consider the impossible task of driving the spirit of liberty from the breast of man?

You are treating a violent organic trouble as a mere cutaneous affection. You seek for the cause of the eruption of Mount Pelee by arresting the village watchman.

And all for what? Mere temporary supremacy.

Right, justice, honor, freedom, humanity, and liberty are words blotted forever from the Republican platform.

Your Secretary of War, whom we had all known as an accomplished lawyer of true instincts and high ideals, has linked his fine talents to conspiracy and become the manipulator of dispatches which might prove injurious to the political interests of his chief.

The veteran soldier, Miles, was denied an opportunity to bring about peace lest his success might jeopardize the political future and fortunes of the hero who stood alone at San Juan Hill.

"Corruption wins not more than honesty."

Now, gentlemen, tell me, and tell me truly, way down deep in the innermost recesses of your hearts, where the fierce fires of partisanship are cooled by the soothing waves of pure patriotism, which would you prefer, guiding the destinies of the country in the hour of emergency, under which would the country retire to-night in fairer faith, under which would the business interests of the country breathe a freer breath, under which would the country at once find its proper sphere, empire or republic, under the strenuous administration of the polished equestrian of Oyster Bay or under the sound administration of Richard Olney, the Democrat? [Long-continued applause on the Democratic side.]

Mr. JONES of Virginia. I would ask the chairman of the Insular Committee whether he desires to have anyone speak on his side?

Mr. COOPER of Wisconsin. I have one more speaker to-night. We are ready to proceed.

Mr. JONES of Virginia. Mr. Chairman, I yield twenty minutes to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Mr. Chairman, I do not propose to discuss all the phases of the legislation presented for our consideration in the Philippine measures. It is my purpose simply to call attention to a few of its features which I regard of far-reaching importance and so pregnant with possibilities of evil as to call for the exercise of the most unselfish patriotism upon our part in their consideration. In all the debates that have taken place in Congress upon this wretched chapter of our Philippine occupation I have heard no man declare in favor of making the Philippine peoples American citizens.

Neither the Republican nor Democratic party have declared in favor of such an issue, but the question has apparently been as to whether or not we were going to usurp imperial power and enter at once into a colonial policy. We have apparently forgotten that this is a Government of laws and not of men; that within the realm of delegated powers only the sovereignty of the expressed will is potential; that we may not disregard the effect and consequence of legislative acts, whether those acts are well considered or inadvisable. Aye, do we consider that to us is not confided the power of interpreting the scope and effect of our own provisions? If not, let us remember that the judicial branch of this Government, as separate and independent as ourselves, equally constrained by the obligations of a sacred pledge to be guided and controlled by the fundamental charter in their deliberations, will pass upon our work in the forum of personal and property rights, and its decrees may write forever and beyond our recall the status of our action.

The bills of the majority are couched upon the theory that we may take over the title to a country and a populous race of people and exercise sovereignty over them, administering their affairs without making them citizens. I do not believe it. A people thus dominated must be citizens under our flag.

For more than one hundred years the American Republic has been an exemplar of the grand acme of popular attainment—the sovereignty of the individual citizen, and liberty regulated by law. The German countess was wiser than she knew when she told the American traveler dining at her board that all Americans were born noblemen. The Declaration of Independence avowed it and our fathers on many a well-fought battlefield maintained our claim to royal dignity until the flag of freedom and equal rights was unfurled in a land fertilized by the blood of

heroes, glorified by its precious memories and self-sacrifices, and nourished by the most exalted patriotism.

What has been the march of this high destiny is known of all men and need not be recounted here. It has expelled its adversaries and conquered the wilderness from ocean to ocean, carved out States, nourished agriculture, built populous cities, and planted civilization and citizenship beyond the western shores of the great Father of Waters. It came as a spiritual conception and blossomed into a physical reality. It has contributed to the literature of the material world its greatest theme and embellished its history with the brightest achievement. It has ennobled the citizen to the topmost rank of earthly favor and placed him next to the throne of the Almighty, whom, indeed, we only acknowledge as sovereign, denying to all others and ourselves, except of ourselves, the kingly scepter.

Such is the dignity of American citizenship, which is the inviolable and common heritage of all who owe and must yield allegiance to the power which is symbolized by its flag, and such are the swelling thoughts that must enthrone themselves in the hearts of all those who love and defend it when duty calls and the hour of supreme self-sacrifice comes, if the stars are not to be plucked from their blue canopy or the stripes torn in threads from their spotless background. There is no place in this conception for a degraded citizenship, and the Supreme Court will not so hold. If you once enact civil government of a permanent character for the people of the Philippine Islands and conquer them into submission, you have then exercised the power reserved in the treaty to determine their civil and political status, and, having once exercised it, you may not be permitted to undo what you have inconceivably done.

Have a care lest in the passage of this bill you may not terminate the trust character in which your sovereignty has hitherto been exercised, and brand your action with the election of permanent dominion. Remember that you may not escape the natural and legitimate effects of the law when once enacted, and that it remains for another equally independent authority to determine what those effects are or may be. The Constitution has given to Congress the right to confer citizenship. It has not given to Congress the right to take it away; therefore we may, here and now, confer citizenship upon those peoples, and we may do it indirectly and by the wholesale, without special designation; but when once done, the rights that attach to citizenship are fundamental, beyond the reach of vandal hands, safe and secure in constitutional protection, in the keeping of the people among the reserved rights that must find constitutional expression to be exercised.

The right to acquire territory is not disputed, is not doubted, and is everywhere admitted. The dispute arises over the manner and purpose for which territory may be acquired; but as the right to acquire territory is a political right and confided alone to the Congress, and as its action is not authorized to be reviewed or reversed in any other forum, it follows that such disputations are of no consequence except as they may serve to influence Congress itself in its action or move the people to amend the Constitution so as to limit this power. It may be stated as a moral restraint, that Congress should not impose sovereignty over an unwilling people, and I heartily coincide with such a statement, except where it is absolutely necessary to secure the safety and peace of our own people.

The point I make is that the validity of such an acquirement can not constitutionally be inquired into because of these reflections, and the effect of its action in acquiring territory can not be set aside or minimized in any tangible and effective way by the authority thereof. These are legal and constitutional questions and obligations with respect thereto. It may be assumed, then, that Congress can constitutionally acquire territory, with or without the consent of the people whose territory is acquired.

But it can not govern them permanently without conferring upon them the quality of citizenship, vesting them with an equitable constitutional title to local self-government which is legalized in statehood. Our declaration upon the subject of government is "that all governments derive their just powers from the consent of the governed," and this is literally true as it concerns us, but it does not imply that power may not be exercised unjustly. To illustrate, if it were necessary to our own peace and safety to permanently take the Philippines, and we should do so, it would be the exercise of a just power in self-defense. To take them over against their will when it is not so necessary is a perversion of and an unjust exercise of that power, yet nevertheless constitutional. But it does not follow that because a wrong, not illegal in a constitutional sense, has been committed against them in forcing their nationality that it may be persisted in in the denial of constitutional rights after they are in. This may not be done, and herein lies the danger to ourselves. We may have to reckon with conditions from which we may not hereafter be able to separate ourselves so easily. It is for the exercise of unjust

power and for the prostitution of our high ideals to selfish and sordid ends that we arraign the Republican party.

They have been, and are now, engaged in a war which possesses many, if not all, the elements of conquest, notwithstanding the Supreme Court in the Diamond Rings case decided that by the terms of the Paris treaty the United States legally obtained the sovereignty over the Philippine Islands. That sovereignty was of an ambiguous character and still remains so, leaving out all considerations of its existence as a matter of fact.

By the terms of the cession it was reserved for Congress to determine the civil and political status of the inhabitants, which necessarily included, and by which was meant, the final disposition of their habitat, as to dispose or to retain permanent control and dominion of their territory in itself necessarily involves, under our system and laws, their relationship to the Government or body politic, without other or special designation. By inserting the reservation in the treaty we clearly indicated that the act of cession alone was not to be construed as an avowal of a purpose of permanent, national ownership, but that we intended thereafter to decide whether the occupation should be permanent or temporary. This was not satisfactory to those people, and they have disputed our intervention with all the power they can muster from that time until the present, and a bloody war has been and is the consequence.

I will not stop here to discuss the horrors of that war. The revolting details have been thrashed over until the public must have sickened over the ghastly testimony. Rather, if I could, would I spread the black pall of utter oblivion over those wretched incidents, the only apology for their exploitation being a purpose to stop them. But I can not. I only deplore them as the natural and inevitable consequence of the warring contact of a civilized with a semicivilized or barbarous people.

I can not approve or condone offenses against humanity, but I insist that the blame should not and does not rest upon the Army as a whole, which must obey the constituted authority and be subjected to the maddening influences of an enervating climate, unknown surroundings, vexatious toil, treacherous, pitiless, and vandal foes. I place the blame where it belongs—upon the political party in power and the men who have been charged with the conduct of its affairs. But for the wretched commercialism and blundering incapacity that took root in their greed of gold and lust for empire, the awful spectacle of torture might have been prevented and the unspeakable shame of the attitude in which they have placed our country might also have been prevented. What is that attitude? It is that, disregarding our obligations to exemplify in our conduct the high principles of liberty, equality, and independence that we profess, and should in our conduct exemplify, we have interposed our huge shadow between a people and the sun-lit goal of their similar aspirations.

This conquest may, and doubtless will, terminate in submission. What then remains for a complete establishment of sovereignty, and when so established how may it be disposed? Some gentlemen seem to think it can be put on and off like a garment. Is such indeed the portable character of this mighty essence? If so, who trundles the wheelbarrow in which its precious weight is deposited? Is it the American Congress or the American people? Is it confided to the servant or to the master? Where is the habitat of the royal prerogative to change the fundamental law? I answer, among the people or the legislatures of two-thirds of the States where the people have in part confided it. Do you say that Congress can by legislative enactment cede sovereignty for any purpose?

I ask you to place your finger upon the provision of the fundamental law which authorizes it. Do you say that Congress can undo anything that it may do? The plain answer to this is, it is not true, and the slightest investigation will demonstrate the fact. As, for instance, Congress may declare a citizen, but it can not decitizenize him, except as a punishment for crime. Do you say that the Constitution gives to Congress the power to dispose of and make all necessary rules for the government of the Territory? I answer yes, but that clause does not mention the disposition or dissolution of sovereignty.

Let us not confuse sovereignty with property. Territory here does not mean sovereignty. It means land. Its transfer does not mean the alienation of peoples or allegiance. It simply means the grant to private ownership, the fee-simple title to the soil over which the sovereignty of the people still reigns supreme, and which title, under the name of eminent domain, may be recalled by them upon the payment of compensation. You will note also that the power to make all needful rules respecting the territory disposed of is in the conjunctive, with the power to dispose of, and not in the disjunctive. If it were intended by this provision to enable Congress to thus dispose of peoples, why, then, did it empower Congress to govern them after their disposition? Such can not be held to be the meaning of the foregoing provision.

If authority be required to support the views I have here announced, they are not without respectable, nay, eminent, authority.

Mr. John Randolph Tucker, a high authority on constitutional law, in discussing this clause of the Constitution, when a member of Congress, in a report to Congress, also citing authorities sustaining his position, said:

The "territory belonging to the United States" is held by them for two purposes—as real property to be disposed of and as a domain for colonization by the people of the several States. Law is necessary and proper to fix the boundaries of territory for each new State within which people may settle and form that bond of sympathy and cooperative unity which makes the body politic. Congress must, subject to the supreme law of the Constitution, legislate for the embryo community until, full-formed, it shall be prepared to become one of the sisterhood of Commonwealths which make up the Union.

These views are sustained by many cases: *American Insurance Co. v. Canter*, 1 Peters, 511; *United States v. Gratiot*, 13 id., 526; *Cross v. Hamson*, 16 How., 164; *Dred Scott v. Sandford*, 19 How., 393; *Beall v. New Mexico*, 16 Wall., 535; *Ferris v. Hughes*, 20 Wall., 375; *National Bank v. County of Yankton*, 101 U. S. Rep., 129.

And they are strongly reenforced by the suggestion that sovereignty is anchored by and to the residence of American citizenship. Especially is this so where that citizenship is represented by an entire community or body of population whose situation and needs imperatively demand the exercise of civil government. It would be ridiculous to suppose such a body of American citizens retaining their nationality while their rights, personal and property, were controlled by another jurisdiction. It therefore follows that wherever American citizens reside in such a body that there must abide the sovereignty—which is simply the power of the United States to perform the functions which secure these rights—and, necessarily, this continues just so long as such citizenship and residence continues.

I have heard it declared that we might simply withdraw our troops and leave the sovereignty to those people, but surely this can not mean after citizenship has been established. In such an event what would we leave behind? American citizens and their personal and property rights, the reward of chance, the spoil of adventurous power. A withdrawal thus would simply take away the power and administration whose continued exercise in guaranty and protection the Constitution pledges. No, Mr. Chairman, sovereignty can not thus be displaced when once permanently established. The Constitution would be too strong or else it would be worthless in the degeneracy of men recreant to their oaths. The courts would yet remain open for the redress of grievances against American citizenship. We might not thus ingloriously and unworthily escape responsibility. These considerations only illustrate how difficult it would be to dispose of sovereignty permanently taken and established.

But what is the status? How may our difficulties be avoided, and what are our duties in the premises? We have not far to seek for the answer. We have an illustrious and glorious precedent in the case of Cuba. In that case we took over the trust sovereignty with the purposes of the trust declared, while we proceeded to the liberation of its stricken people. When the war closed we invited them to form a government, with which we treated as to the terms of our withdrawal. We have had recently the proud privilege of witnessing the unfurling of another free flag over a people whom we delivered and assisted to the dignity of citizenship in a new republic, born among the family of States.

Marvelous spectacle! Who can witness unmoved the grand climax of civic righteousness? Who in the distant years can read without wondering and reverential awe the record of the noble dignity and self-sacrifice which animated our peerless people in dealing with the rights of man and in the administration of those tremendous energies, strength, and resources with which the God of righteousness has clothed them? Who would stoop from this high estate or fall headlong from these alpine heights for sordid ends or graceless lapse of reason? In the case of the Philippines, a people, animated by the same high hopes and aspirations and struggling with arms in their hands for freedom, fell into our hands as an incident of war. As in the case of Cuba, we took over the waning, if not utterly destroyed, sovereignty of Spain in trust with our purposes not declared, but with power to elect its disposition.

Failing to declare our purpose, the right of our interposition was disputed, and is disputed to this day at the point of the bayonet, and millions of treasure and thousands of precious lives have been sacrificed in a horrible war. In the light of such glorious history written in the case of Cuba, how could our purposes have been perverted or why remain they now obscure? Let us not foreclose ourselves by the assumption of permanent sovereignty in the enactment of a law utterly inconsistent with a purpose or power thereafter to do otherwise. Let us at least accompany this law with an enacted declaration that it is only temporary, and that we propose to exercise the trust by inviting and assisting those peoples to form a government with which we can treat

as to the terms of our aid and withdrawal. Let us, then, insist upon protection for all who have incurred enmity by befriending or seeming to befriend our cause, and for all those in whose favor a national obligation is outstanding.

Let us retain exclusive coaling stations if we will and trust to our own merit and enterprise for commercial advantages which we may be able to obtain. They will eagerly grant all these and forgive, if they do not forget, the grievous blunder that has slain thousands of their citizens and our own. Let us not persist in our mistake until we have conquered sovereignty and changed the whole constitutional relationship. Let us admit the invalid and impossible character of our title and call a halt in the prosecution of such a claim. The Philippine people have pleaded an outstanding title to the Spanish claim upon which we have declared. Let us admit it and dismiss the case. I doubt the sensitive honor that could be wounded by such a course. The world would not fail to justly appreciate our motive and applaud it, or if any power should misconstrue it as an evidence of weakness and seek to profit by an invasion of our rights, why let them, at their peril and at their own discretion.

We are yet in a position to do this thing. The passage of the resolution empowering the President to govern the islands until Congress acted, in a time of war, did not clothe him with any more power than he then possessed, and only shows that Congress was not ready to decide the momentous question confided to its keeping.

It is different now. We have had time to deliberate and we are now deliberating.

Mr. Chairman, there are those who believe and maintain that the Constitution follows the flag; that is to say, that wherever the flag is hoisted as an emblem of permanent sovereignty and wherever the jurisdictional dominion of the Government of the United States is asserted that there, of its own force, by the very act which asserts that sovereign dominion, independent of a legislative interpretation of that act, the Constitution goes to authorize that sovereignty, to define it, to limit it, and to secure the blessings of liberty to the people over whom the shadow of the great powers it organizes, limits, and equalizes is thrown.

Indeed, it is quite impossible for me to conceive of any jurisdiction existing in the Government separate from and independent of the instrument by which alone that Government is formed and exists. There has never been a decision of the Supreme Court to this good day which affirms such a doctrine. These were the opinions of Chief Justice Taney in the *Dred Scott* case (19 Howard, p. 449). He said:

* * * But the power of Congress over the person or property of a citizen can never be a mere discretionary power under our Constitution and form of Government.

The powers of the Government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself; and when the Territory becomes a part of the United States the Federal Government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined and limited by the Constitution, from which it derives its own existence and by virtue of which alone it continues to exist and act as a Government and sovereignty. It has no power of any kind beyond it, and it can not when it enters a Territory of the United States put off its character and assume discretionary or despotic powers which the Constitution has denied to it. It can not create for itself a new character, separated from the citizens and the United States and the duties it owes to them, under the provisions of the Constitution. The Territory being a part of the United States, the Government and the citizen both enter it under the authority of the Constitution, with their respective rights defined and marked out; and the Federal Government can exercise no power over his person or property beyond what that instrument confers, or lawfully deny any right which it has reserved.

Again, it was stated by Chief Justice Chase in the case of *Minor v. Happersett* (21 Wall., 162), that—

Allegiance and protection are in this connection—that is, in relation to citizenship—reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.

In the light of such cogent reasoning as this, it would be hard, indeed, to maintain the contrary view. And if such be the fact, what, then, would be the effect of such constitutional extension over the people or inhabitants of territory, if the act or the circumstances of the assumption of sovereignty carried with it the impress of permanency?

Would it not have the effect of a collective naturalization and constitute the inhabitants of such territory citizens of the nationality into which they are thus incorporated, endowing them with constitutional rights that, once acquired, defy the antagonism of legislative hostility?

In *Osborn v. United States Bank* (9 Wheat., 738-827), Chief Justice Marshall said:

A naturalized citizen becomes a member of the society, possessing all the rights of a native citizen and standing, in the view of the Constitution, on the footing of a native. The Constitution does not authorize Congress to enlarge or abridge those rights. The simple power of a national legislature is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it so far as respects the individual. The Constitution then takes him up, and among other rights extends to him the capacity of suing in the courts of the United States, precisely under the same circumstances under which a native might sue.

In the Wong-Kim Ark case this latter case was referred to approvingly by Mr. Justice Gray, who said:

The power of naturalization, vested in Congress by the Constitution, is a power to confer citizenship, not a power to take it away.

In the Slaughterhouse Cases, Mr. Justice Miller, in discussing the rights of American citizenship in contradistinction to citizenship in a State, enumerated some of those rights as follows:

But lest it should be said that no such privileges and immunities are to be found, if those we have been considering are excluded, we venture to suggest some which owe their existence to the Federal Government, its national character, its Constitution, or its laws.

One of these is well described in the case of *Crandall v. Nevada* (6 Wallace, 35), it is said "to be the rights of the citizens of this great country, protected by implied guarantees of its Constitution" to come to the seat of government to assert any claim he may have against that Government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. He has the right of free access to its sea ports through which all operations of foreign commerce are conducted, to the subtreasuries, land offices, and courts of justice in the several States, and, quoting from the language of Chief Justice Taney, it is said "that for all the great purposes for which the Federal Government was established we are one people, with one common country. We are all citizens of the United States." And it is as such citizens that their rights are supported in this court in *Crandall v. Nevada*.

Another privilege of a citizen of the United States is to demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government. Of this there can be no doubt, nor that the right depends upon his character as a citizen of the United States. The right to peaceably assemble and petition for redress of grievances and the privilege of the right of habeas corpus are rights of the citizens guaranteed by the Federal Constitution.

The right to use the navigable waters of the United States, however they may penetrate the territory of the several States, all rights secured to our citizens by treaties with foreign nations, are dependent upon citizenship of the United States and not citizenship of a State. One of these privileges is conferred by the very article under consideration. It is that a citizen of the United States can, of his own volition, become a citizen of any State of the Union by bona fide residence therein, with the same rights as other citizens of that State. To these may be added the rights secured by the thirteenth and fifteenth articles of amendment and by the other clauses of the fourteenth next to be considered.

It has been held that the admission of a State, without other or special designation, effected a collective naturalization.

It is not perceived why the absorption of a people and a territory into the permanent sovereign dominion does not also effect a collective naturalization, as it destroys their former nationality and creates a new nationality.

In the former case all the rights of citizenship, including the political franchises, are conferred or confirmed. In the latter case all the rights of citizenship are conferred, save the political franchises, which are withheld in trust and exercised by the Congress until such time as the Territorial inhabitants are fitted to enjoy and receive them. And herein is developed the reason why Congress can not voluntarily, by legislative action, withdraw sovereignty from a territory once permanently acquired, because the inhabitants, who are American citizens, have the constitutional right to be clothed with the full political franchise, in the admission to statehood at some future time, and the constitutional guaranty that Congress can not, by cession or withdrawal of sovereignty, deprive them of that right.

In the light, then, of these considerations it becomes important to inquire whether by the terms of the treaty the sovereignty acquired was temporary or permanent.

I am aware that the Supreme Court in the Diamond Rings cases came perilously near holding that it was a permanent acquisition. Mr. Justice Fuller said:

No reason is perceived for any different ruling as to the Philippines. By the third article of the treaty Spain ceded to the United States "the archipelago known as the Philippine Islands," and the United States agreed to pay to Spain the sum of \$20,000,000 within three months. The treaty was ratified; Congress appropriated the money; the ratification was proclaimed. The treaty-making power, the executive power, the legislative power, concurred in the completion of the transaction.

The Philippines thereby ceased, in the language of the treaty, "to be Spanish." Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States over which civil government could be established. The result was the same, although there was no stipulation that the native inhabitants should be incorporated into the body politic, and none securing to them the right to choose their nationality. Their allegiance became due to the United States and they became entitled to its protection.

But it is said that the case of the Philippines is to be distinguished from that of Porto Rico because on February 14, 1899, after the ratification of the treaty, the Senate resolved, as given in the margin, that it was not intended to incorporate the inhabitants of the Philippines into citizenship of the United States, nor to permanently annex those islands.

We need not consider the force and effect of a resolution of this sort if adopted by Congress, nor like that of April 20, 1898, in respect of Cuba, preliminary to the declaration of war, but after title had passed by ratified cession. It is enough that this was a joint resolution; that it was adopted by the Senate by a vote of 26 to 22, not two-thirds of a quorum; and that it is absolutely without legal significance on the question before us. The meaning of the treaty can not be controlled by subsequent explanations of some of those who may have voted to ratify it. What view the House might have taken as to the intention of the Senate in ratifying the treaty we are not informed, nor is it material; and if any implication from the action referred to could properly be indulged it would seem to be that two-thirds of a quorum of the Senate did not consent to the ratification on the grounds indicated.

The only reason, therefore, that relieves the situation from an adjudication in this case is found in the fact that, for the purposes of that case, it was not necessary to determine whether the sover-

eignty was permanent or temporary, but simply to determine whether the islands, after the treaty, with respect to our tariff laws, were a foreign country, and not whether their allegiance to the United States was temporary or permanent.

It is true that it was insisted that because the Senate passed a resolution after the treaty to the effect that by the ratification it was not intended permanently to annex them, and that for this reason they remained foreign territory, and that the court dismiss this suggestion as immaterial. It might and doubtless would have been differently held, had it been necessary, in the determination of the question before the court, to have passed upon the permanent or temporary character of the sovereignty, and had the real question been made that by the express terms of the treaty the sovereignty was necessarily temporary until the Congress decided whether it should be permanent.

That question is up to us for determination now, and it may not be precluded in the reckless fashion proposed by the majority. They have been urged to take their stand upon one side or the other of this tremendous and far-reaching issue, and their reply is that it will be time enough in a generation, two generations, or three generations hence to make a decision, while they deliberately bring in a bill which, in its terms, involves our inextricable association with those people for a time, the end of which no man can perceive, and which they confess and contemplate covers periods of generations. They organize civil government and extend the judicial power to those people without any qualification of time or condition. They contemplate and prepare for situations of never-ending complications and attachments. They create obligations calling for the continued ownership and dominion of national sovereignty, and in doing this can they hereafter be permitted to say that it was temporary and that by their action they have not accomplished a permanent sovereignty and thus completed the naturalization of the present body of the population of those islands?

I wish also to present the case in another aspect,

Grant, for the sake of the argument, that the passage of either one of these bills presented by the majority may not confer upon the people of the Philippine Islands American citizenship, and that if it should in fact do so, the Supreme Court can be relied upon to amend the Constitution by judicial interpretation and hold that it does not, the condition upon which you are entering, for which you are preparing, and which you evidence by the long period that you say will be necessary to prepare those people for self-government, and the pledge to it, in the proud boast which all of you are felicitous in making, that you will solve the problem of self-government for them, will inevitably lead to a condition of American citizenship for them through the operation of other well-settled constitutional principles.

The priceless boon of American citizenship may be conferred, as evidenced by the following provisions of our Constitution:

The Congress shall have power to establish a uniform rule of naturalization.

And—

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.

This latter provision might seem at first glance to be a limitation upon the first, but in the case of *The United States v. Wong-Kim Ark* (169 U. S.), decided in March, 1898, it was held that it does not affect or qualify the right of naturalization conferred in the previous section, but was in addition thereto.

The whole subject of citizenship and the history of our naturalization laws are very thoroughly discussed in this case, and I commend it, and the authorities therein cited, to the careful investigation of those who are to vote upon this bill.

Another observation is to be made with reference to this latter provision, and that is it recognizes citizenship of the United States to be distinct and independent from citizenship in a State, and that citizenship, by birth or naturalization, may be acquired without residence in a State.

Mr. Justice Miller in the Slaughterhouse Cases (16 Wallace, p. 36) said of this provision:

It had been said by eminent judges that no man was a citizen of the United States except as he was a citizen of one of the States comprising the Union. Those who had been born and resided always in the District of Columbia or in the Territories, though within the United States, were not citizens. Whether this proposition was sound or not had never been judicially determined.

As to condition after its enactment he said further in the same case:

The first observation we have to make on this clause is that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the *Dred Scott* decision by making all persons born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish citizenship of the negro can admit of no doubt. The phrase "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born within the United States.

The next observation is more important, in view of the arguments of counsel in the present case. It is that the distinction between citizens of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other and which depend upon different characteristics or circumstances in the individual.

If these be sound principles of constitutional law, every day and hour that we remain in the Philippines after the enactment of either of the measures proposed by the majority but further complicates our difficulties.

As it is now, and as it is viewed by myself, every child born in that territory is born into the civil and political status liable to be determined by our action. If that determination is to be permanent sovereignty, how long will it take by birth, think you, to Americanize that population, thus wrenching from our hands the legislative power to resume the status quo and fastening upon us the brands of constitutional wedlock?

Ah, gentlemen, it is in vain you would postpone your purposes. Time and circumstances, inexorable effects from causes, wait not a man's convenience, and yet this seems to be the prevailing idea, as evidenced by the testimony of Governor-General Taft and others, taken at the hearings before the Senate committee, which are inserted here from the reports of the same in the CONGRESSIONAL RECORD:

QUESTION OF STATEHOOD.

Senator CARMACK. You think, then, it is an open question whether the people of the Philippine Islands—lands populated with eight or ten million Asiatics—should be admitted to the full rights of American citizenship or whether or not an archipelago so populated should be admitted to statehood in the Union? You think it is an open question?

Governor TAFT. I think it is a question that I would not answer two or three generations before it will arise. I think the great evil to-day is the discussion of something that is utterly impossible of settlement to-day. The thing the Filipino people need to-day is a stable government under the guidance of American control, teaching them what individual liberty is and training them to a knowledge of self-government, and when they have that, the question of what relations shall then exist between the islands and this country may be settled between them and the citizens of the United States.

But to attempt to decide in advance something that it is utterly impossible wisely to decide now, it seems to me, with deference to those who differ with me, very unreasonable.

Senator CARMACK. I was speaking of it from the standpoint of the people of the United States, as to whether you thought it was a question of possibility.

Governor TAFT. What the people of the United States may think, or what they ought to think, fifty or a hundred years from now I do not venture to say.

Senator PATTERSON. It is a century problem?

Governor TAFT. It is quite possible, as we say in our report, that it may take a generation, or two generations; but no matter how long it is, it is in my judgment the duty of the United States to continue a government there which shall teach those people individual liberty, which shall lift them up to a point of civilization of which I believe they are capable, and which shall make them rise to call the name of the United States blessed.

I have thought over this subject a great deal; we have become intensely interested in the problem, and of course motives, the charge of which we can not avoid, are given to us in reaching such a conclusion; but if I ever was convinced of anything in my life it is that the problem which the United States there has is a great problem worthy of its solution, and which, when solved by establishing a stable government there under the guidance of American control, will redound to the honor and the benefit of this country, and I am proud to have to do with that work.

Senator CARMACK. You say the great trouble in all this matter has been that we are thinking about what may happen a generation or two generations from now. If the possession of the Philippine Islands by the United States involves the possibility of an archipelago 7,000 miles away, inhabited by people of an Asiatic race, becoming a State of the Union fifty or a hundred years from now, do you not think it is a question which deserves consideration now? Do you not think we ought to consider what may happen fifty years from now?

Governor TAFT. No, sir; and I will say why. Nothing that can to-day be said to the Filipino people in the nature of a promise as to the form of government which may take place after an established stable government shall be formed, could be otherwise than misleading to them and confusing in establishing that government.

It would at once begin the agitation among those who desire that separation to have that separation, because, in their opinion, they are fitted for it at once. It would drive away from the support of the stable government that conservative element who are strongly in favor of American guidance and control, because they would anticipate an early change.

They would think they would early be left without the support which the presence of the American Government necessarily gives, and the promise of something in the future, instead of helping to establish, would render unstable any government which was attempted to be established.

TESTIMONY OF GENERAL HUGHES AS TO CAPACITY OF FILIPINOS FOR SELF-GOVERNMENT AND EFFECT OF AMERICAN WITHDRAWAL.

VISAYANS' CAPACITY FOR CIVIL GOVERNMENT.

The CHAIRMAN. What do you think of their capacity for civil government? General HUGHES. My personal opinion is that it will be a long time before they are qualified to run a civil government of their own. I understand your question to relate purely to the Visayans?

The CHAIRMAN. That is what I mean.

General HUGHES. I should say not inside of two generations. The people have no earthly idea of equity. They simply know their own wishes, and they have no regard for the wishes of others.

The CHAIRMAN. If left to themselves what sort of government, in your opinion, would they establish?

General HUGHES. They would try, undoubtedly, to establish a republic of some kind, and they would do it. The ordinary Tao of the Visayans is one of the most gullible creatures the world contains. He will believe anything he is told by his acknowledged superior, no difference how absurd the statement is, and there is the great strength that their leaders have over them—

the enormous lies that are published to them as to their plans and what is going to take place. They gull them right along.

The latest I got hold of from Lukban to his people was that a German fleet would be in those waters at such a date to blow the Americans out, and that they would then secure their independence. That was the last one I heard.

I only introduce these extracts to show the length of time in which we are expected to solve the problem. I should much rather have heard these gentlemen explain the principles upon which we are authorized and justified in postponing our decision with reference to making citizens of the Filipinos than to hear them state that it is better to postpone. I am sure that our dealings with the Indian tribes and our control of them can not be taken as a precedent, because the Constitution itself recognizes their separate existence and authorizes our dealings with them as dependencies.

Subsection 3 of section 8 of Article I of the Constitution provides as follows:

The Congress shall have power to * * * regulate commerce with foreign nations and among the several States and with the Indian tribes.

This recognition is also found in other provisions, and with reference thereto the Supreme Court, in the Wong-Kim Ark case, said, referring to the case of Elk v. Wilkins (112 U. S., 94):

The only adjudication that has been made by this court upon the meaning of this clause "and subject to the jurisdiction thereof" in the leading provision of the fourteenth amendment is Elk v. Wilkins (112 U. S., 94), in which it was decided that an Indian, born a member of one of the Indian tribes within the United States which still existed and was recognized as an Indian tribe by the United States, who had voluntarily separated himself from his tribe and taken up his residence among the white citizens of the United States, but who did not appear to have been naturalized or taxed, or in any way recognized or treated as a citizen, either by the United States or by the State, was not a citizen of the United States, as a person born in the United States "and subject to the jurisdiction thereof," within the meaning of the clause in question.

That decision was placed upon the grounds that the meaning of those words was "not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their political jurisdiction and owing them direct and immediate allegiance;" that by the Constitution, as originally established, "Indians not taxed" were excluded from the persons according to whose numbers representatives in Congress and direct taxes were apportioned among the several States, and Congress was empowered to regulate commerce, not only "with foreign nations" and among the several States, but "with the Indian tribes;" that the Indian tribes, being within the territorial limits of the United States, were not, strictly speaking, foreign states, but were alien nations, distinct political communities, the members of which owed immediate allegiance to their several tribes and were not part of the people of the United States; that the alien and dependent condition of one of those tribes could not be put off at their own will without the action or assent of the United States, and that they were never deemed citizens, except when naturalized, collectively or individually, under explicit provisions of a treaty or of an act of Congress; and, therefore, that Indians born within the territorial limits of the United States, members of, and owing immediate allegiance to, one of the Indian tribes (an alien, though dependent power), although in a geographical sense born in the United States, are no more born in the United States and subject to the jurisdiction thereof, within the meaning of the first section of the fourteenth amendment, than the children of subjects of any foreign government born within the domain of that government or the children born within the United States of ambassadors or other public ministers of foreign nations. And it was observed that the language used in defining citizenship in the first section of the civil rights act of 1866, by the very Congress which framed the fourteenth amendment, was all "persons born in the United States and not subject to any foreign power, excluding Indians not taxed."

It may be, Mr. Chairman, that these gentlemen are right; that we have power to own colonies and to wield the jurisdiction of empire over a subject race; that the Supreme Court will sanction such a policy; but if the question could have been presented to the fathers who, stung with its intolerable indignities and stimulated with the hope of equality before the law, periled their lives, their fortunes, and their sacred honor for the emancipation of our princely race, we can have no doubt as to what their verdict would have been.

It was the actual attempt at the exercise of unwarranted power by the General Government in the enactment of the alien and sedition laws that called the Democratic party into existence, lost the Presidency to Mr. Adams, and effected the demise of the Federal party. It has from that time to the present resisted aggressions against constitutional liberty and equality, insisting upon a strict construction of the Constitution and loyal obedience to its mandates as the only means of preserving the liberty that was handed down from the fathers. [Applause.] When it ceases to do that its mission will have ended and the citadel of equal rights will crumble under the ceaseless grind of selfish interest and the remorseless sweep of unbridled power. It stands to-day the enemy of centralized power and the champion of equal rights to all and special privileges to none. [Applause.] As a Democrat, giving loyal and cheerful allegiance to the Constitution of my country, I have felt it my duty to call attention to this branch of the question, which, it seems to me, has been too much overlooked.

The measure proposed by the minority decides the question against permanent dominion over the Philippines and proposes to assist them to a stable government, with such provisions regarding our self-interests as we can, in all justice, good conscience, and good faith, demand, guarding against the danger of citizenship. Let us not contaminate our civilization with the contagion of the Orient. Let us not inoculate our system with the germ of

imperialism. Let us decide the civil and political status of the people of the Philippine Islands to be independence in a nation of self-governing people. [Loud applause on the Democratic side.]

Mr. COOPER of Wisconsin. Mr. Chairman, I yield twenty minutes to the gentleman from New Hampshire [Mr. CURRIER].

Mr. CURRIER. Mr. Chairman, the debate on this question has taken a wide range. To quite an extent the opponents of our policy in the Philippines have devoted their time to making attacks on the Army. Officers and soldiers alike have been the subject of indiscriminate abuse. But this bill seeks to reduce the military power in the Philippines, to enlarge the civil power, and give a much larger measure of local self-government to the Filipinos than they now enjoy. Does any one object to that? Is not that a step in the direction that all Democrats and Republicans seek to go? There is a substantial agreement on all hands that whatever may be the ultimate future of the islands, our duty will compel us to remain there for a long time. With very few exceptions, no one thinks we ought to get out now and leave the natives who have been our friends without protection.

Any government that any class of natives might establish now would go to a bloody ruin within six months. The programme of the opposition recognizes this, and if the gentlemen on the other side think that the power now exercised by the army in the Philippines is an evil, why do they not join with us in passing a bill which will lessen that power and give a larger measure of local self-government to the natives? An indiscriminate denunciation of everyone who is trying to do something, an endless discussion of theoretical questions without suggesting any practicable and workable remedy for alleged wrongs, never cured an evil yet and never will. As Carlyle said:

The astonishing intellect that occupies itself in splitting hairs, and not in twisting some kind of cordage and efficient draft tackle to take the road with, is not to me the most astonishing of intellects.

The progress of the world through all time has been due to men of courage and enthusiasm, men who made mistakes, who often erred and stumbled, but in spite of all advanced. To such men, not to the conservatives, we owe our liberties and our progress. The country never took a step in advance that the air did not ring with outcries regarding a fractured constitution and a ruined and enslaved people. Some men are so constituted that they can always see the celebrated horseman cinching up his saddle preparatory to a dash over the ruins of the Constitution.

James Russell Lowell, in speaking of such men, said:

The word conservative, as well as I can understand it, is the convenient formula by which to express the average want of opinion of all who are out of place, out of humor, or dislike the dust which blinds and chokes whoever is behind the times.

That definition covers every man who has spoken against this bill and every anti-imperialist in this country. What is the objection to the proposed legislation? It is said that it gives to the President extraordinary and previously unheard of powers and inaugurates a colonial policy for this Government never dreamed of by the fathers of the Republic. Some gentlemen who oppose the bill would have you believe that a colonial policy for this country originated with President McKinley. On the contrary, it is as old as the country itself. The first treaty that this country ever negotiated was the treaty of alliance with France, in 1778, and the fifth article of that treaty is as follows:

If the United States should think fit to attempt the reduction of the British power remaining in the northern parts of America or the islands of Bermuda, those countries or islands, in case of success, shall be confederated with or dependent upon the said United States.

Colonies were then called dependencies. The fathers of this Republic, under that treaty, took the right to seize Canada and the Bermudas and incorporate them into the Union or hold them as colonies.

Section 3 of Article IV of our Constitution provides that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States. Was not this provision intended to give Congress absolute power over territory—power to govern such territory as a colony should Congress see fit to do so? That section was drafted by Gouverneur Morris, and in answer to a question as to its precise meaning he wrote:

I always thought when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils. In wording the third section of the fourth article I went as far as circumstances would permit to establish the exclusion.

Yet we are told that the fathers of the country never dreamed of a colonial policy, and the shades of Jefferson are invoked to rebuke our imperialistic innovations. Why the storm some people are making about our government of our new possessions is a mere zephyr compared with the storm that broke about the devoted head of Jefferson when he purchased and began the government of Louisiana. He purchased Louisiana as he might have purchased a horse or a mule of one man, Napoleon, and for months after it became the territory of the United States it had

no government but the will of the President, and it was treated as foreign soil for certain tariff purposes. Finally Congress, with the approval of the President, framed a government for the new territory. Under the provisions of that act Louisiana was divided into two parts, the Territory of Orleans and the district of Louisiana.

It is interesting to know what the immortal Jefferson, the author of the Declaration of Independence, thought about governing the people of the territory of the United States without their consent. Under that act, in the Territory of Orleans, Jefferson appointed the governor, the secretary, and every member of the council, which was the only legislative body of the Territory. That is, the people of the Territory of Orleans were not allowed to elect a single member of their legislature, while under the bill reported from the Insular Committee and now before this House, when order is restored the Filipinos can elect every single member of the popular branch of their legislature.

In the Territory of Orleans Jefferson's governor really made the laws, for he drafted them, and all the power the council had was to accept or reject them. The council could not even amend one of the governor's bills. In the district of Louisiana Jefferson and the Congress went even further in the line of what our friends on the other side call imperialism, for there a governor and judges appointed by Jefferson were made the sole law-making power.

The Federalists, who were the anti-imperialists of Jefferson's time, denounced him as a worse tyrant than Charles I. When the Federalists talked about the constitutional rights of the people of Louisiana, Jefferson's friends in Congress said, "Louisiana is territory purchased by the United States and not a State." They said, "Whatever limitation the Constitution fixed to the power of Congress over States, it fixed no limitation to the power of Congress over territory." They further said they would govern Louisiana, not by any grant of power in the Constitution, but by the right of acquisition, and that right they would use as they saw fit, and they did so govern, and with the approval of the country except only a few noisy anti-imperialists.

I wonder how our Democratic friends would like it if we should take them at their word and go back to what they call the simple, republican, constitutional methods of Jefferson in governing the people of the territory of the United States.

But it is said that Jefferson did not use the Army to coerce the people of Louisiana. No; they were too weak to resist. They could only protest against the government thus forced upon them. But Jefferson was ready to use the Army, and would have used it if a single hand had been raised in resistance to our authority. Read his message to Congress in January, 1804, in which he states that he called out the militia in Ohio, Kentucky, and Tennessee and held the troops in readiness to crush out any opposition that might develop in Louisiana.

When this storm against Jefferson was at its height on account of the purchase of Louisiana, some timid souls proposed that the control of the Mississippi River be held and all the rest of the territory be sold, and the opposition replied that the territory west of the Mississippi was absolutely worthless, and that no power would be fool enough to buy. Suppose the proposal of the anti-imperialists of that day had been adopted, a customer found, and that territory or any part of it sold, what would have been the fate of the men who carried it through? Would not their names and memories have been buried in obloquy, however good their motives, as men who had sold the choicest possessions of this country to the foreigner?

When Alaska was purchased it was said over and over again on this floor that that country was absolutely worthless, and that Russia had been trying for years to give it away. And yet, is there a man on the other side of the House who would not vote to go to war with England to-morrow over the possession of any single acre of that territory? The anti-imperialists, like the poor, we have always with us, and they have venomously fought every extension of the boundaries of the country. Why, if some of them in the old days could have had their way, there never would have been a State added to this Union west of Pennsylvania.

There are just two courses open to us in dealing with the Philippines. One is to go on as we have begun and carry law and order and enlightenment to those people, and the other course is to get out now and stay out and allow England or France or Germany or some nation that has the courage and the ability to do the work we ought to do—to take up the task that will fall from our incompetent and nerveless hands.

Every observer agrees that the Filipinos can not govern themselves now; that for the present at least they must be guided and controlled by a strong hand. We will not admit that we lack the courage and the ability to deal with this situation and to perform the work that civilization demands. We will not turn the islands over to any foreign power now or in the future. Resistance to our authority, if any still exists, is now confined to a very small

section of the islands, and comes from bushwhackers and bandits. All open and organized resistance has ceased. There is little left there for the Army to do, and our soldiers are fast coming home. I wish to read as a part of my remarks just a paragraph from the report sent to the Senate by Secretary Root on Thursday of this week:

In the middle of the fiscal year ending June 30, 1901, there were about 70,000 American soldiers in the islands. That number is now reduced to about 23,000. Orders have now been issued for the return of the Eighth, Fifteenth, Twenty-fourth, and Twenty-fifth Infantry, and a squadron of the Tenth Cavalry, and when these orders have been executed the number of American troops in the Philippines will have been reduced to 18,000. For the past six months we have been bringing troops home as rapidly as we could do so economically by the use of our own transports. Quarantine requirements have caused some delay in the movement of transports, but we are bringing the men home more rapidly than we can provide accommodations for them until appropriations contained in the pending appropriation bill for the support of the Army become available.

A very great majority of the people in the Philippines are happy and contented and prosperous under American control. We will crush the few remaining bands of bandits and we will restore order, and then we will give to those people all the local self-government they are capable of exercising. We will educate them, develop their country, build schoolhouses, churches, and railroads, and as they advance we will give them a larger and larger share in their government. Whether we will ever give them absolute independence is a question that can be carefully considered in the years that must elapse before they are fitted for it, and in deciding that question we will take into consideration their good as well as ours.

The programme of the opposition necessarily contemplates years of American control before these people can comply with its conditions so as to secure independence. Let us cross that bridge when we get to it. Let us make no promises that we will either break or regret. In my opinion long before these people are fitted for self-government they will realize the enormous advantage to them of their connection with this country, and they would not sooner think of breaking it than Australia would think of breaking her connection with England.

They say we are governing the Filipinos without their consent. This country has always been governing territory without asking the consent of the people residing therein. There are numberless instances of it. Forty years ago the people of this country were engaged in a great war, costing billions of treasure and hundreds of thousands of precious lives, in order to impose upon the people of the South a government to which they would not consent. We have nearly 7,000,000 colored people here in the South—American citizens all. Is their consent to the government over them ever asked?

Never; and at the peril of their lives they dare not question it or attempt to exercise any of the political rights guaranteed to them by the Constitution. Apparently the country has come to the conclusion that there is no remedy for this, and that the South must be left to deal with this question as it sees fit; but there, if anywhere under the flag, is imperialism. The Constitution, it seems, is not for colored men here; the Constitution is for colored men on the other side of the world.

With some men a colored rebel in the Philippines who is torturing and murdering our boys, is as good or better than any white man, but a colored man in this country who bears the scars of honorable service in fighting for our flag has no political rights which they are bound to respect.

The very men who say that their purpose is to take the negro forever out of politics and bury in the dust the fifteenth amendment to the Constitution are sitting up nights to denounce the Administration for its unconstitutional method of governing Malays and Chinamen in the Philippines without asking the consent of every one of them.

After the treaty of peace was ratified by the assistance of Mr. Bryan, what other course could the Administration pursue than the one it has unflinchingly followed?

When the treaty was ratified there was open rebellion in the Philippines. The Filipinos had inaugurated a war we had sought in every way to avoid. The President's plain constitutional duty was to suppress the insurrection and to restore order, and had he failed to perform his duty every Democratic newspaper in the land would have denounced him and demanded his impeachment.

It is said that we have destroyed the only republic in the East. When was it established? The Filipinos never dreamed of independence until Dewey broke the power of Spain in the Philippines. During the long insurrection under Spanish rule the natives fought for certain reforms, the principal one being the very thing we propose to give them under the provisions of this bill—an opportunity to own their homes by securing and turning over to the people the land now held by the religious orders.

Aguinaldo the founder of a republic? He sought to found not a republic, but an oriental despotism with himself as dictator,

and he had General Luna murdered because he thought him a rival and feared his power.

When our trouble with Spain began the insurrection in the Philippines against Spanish authority was over. Aguinaldo and 34 of his principal followers had been bought off by Spain and sent out of the country, and he did not go back to the islands until May 19, eighteen days after the Spanish fleet was destroyed and Manila was at the mercy of Dewey's guns. The war in the Philippines has been conducted on the whole by the American Army in the most humane manner.

Isolated cases of cruelty have occurred. No one defends them, and all such occurrences are being rigorously investigated by the Administration, and all persons shown to be guilty will be punished. It is well to remember, however, that war is not a picnic. War, as General Sherman said, is cruel, and you can not refine it.

Say what you will, the Army has been assailed in this Capitol with coarse and indiscriminate abuse. Gentlemen of the opposition who have made these attacks have apparently heard from the people of this country, and are now endeavoring to convince them they meant to attack the Administration and not the Army. But the record is made and can not be explained away. Even General Chaffee, the hero of San Juan and the campaign in China, has been denounced in this Capitol as "a dastard villain" because he put in force an order promulgated by President Lincoln for the conduct of our armies during the civil war.

If one of our officers dare speak a word in defense of himself or his comrades, a cry of denunciation goes up from this Capitol and a demand that he be muzzled. Since when was it considered brave and manly to gag a man and tie his hands and then rain upon him personal abuse and insult? I do not defend the order of General Smith, and we all regret it, but I never heard it quoted correctly on the other side of the House. There is no pretense that the order called for the killing of women and children. It called alone for the killing of those capable of bearing arms in a certain section filled with murderous guerrillas. It does not appear to have been a written order. Apparently it was merely a verbal order, spoken in a time of great excitement. A barbarous massacre of American soldiers had been committed by a band of treacherous and merciless natives.

Suppose your comrades had been murdered and mutilated by a band of savages worse than red Indians. You would not be likely to weigh your words very carefully or refrain from strong expressions when you spoke of what you would do to punish their murderers if you had the power. Under such circumstances any of us might speak words we should regret afterwards. Suppose General Smith said all that it is alleged he said. Is it not well to inquire what he actually did as bearing upon the question of what he really meant? There is not a scintilla of evidence to show that any woman or child was killed or harmed under that order, nor any man who would not have been killed if the order had never been given.

We know something of the conditions that prevail there. The gentleman from Connecticut [Mr. HILL] traveled all through General Smith's department last year, and I quote from what he said in the House a short time since. Mr. HILL said:

I state that I found the department of Gen. Jacob H. Smith in peace and quietness, and yet while that condition existed this incident actually occurred: A company of Tagalos, Filipinos—the Filipino army, if you choose to call it such—descended upon a village of peaceful Filipinos, who chose to carry on their regular business pursuits in peace and quietness, and destroyed that village, murdering men, women, and children. And if the gentleman from Missouri [Mr. VANDIVER] desires a specimen of barbarity, I want to tell you what they did to loyal Filipinos and Americans. They took men out and tied them to ant-hills.

Now, that may seem a strange thing, but those ant-hills are 6 or 8 or 10 feet high and 6 feet in diameter, filled with ants that are absolutely ravenous and eat up everything they come in contact with. They tied these men to ant-hills and allowed them to be eaten to death by ants. They buried them in the ground up to their necks and allowed them to be pecked to death by the birds and eaten by the ants. They took loyal Filipinos and loyal Americans and cut them open in the abdomen, taking out a portion of the bowel and nailing it to a tree and driving them around the tree with bolos compelling them to disembowel themselves.

Now, Mr. Chairman, that throws some light upon the conditions that prevail over there. The severity of an order is to be measured, to some extent, at least, by the existing conditions and the character of the enemy. We do not need to go back beyond the memory of many here or to go beyond the confines of our own country to find orders exceeding in severity the alleged order of General Smith, and orders not merely issued, but executed to the letter.

In 1863 occurred the draft riots in the city of New York. A formidable and murderous mob sought to take possession of that great city. Buildings were sacked and fired, scores of defenseless citizens were cruelly murdered and mutilated, and for a time it seemed as if that murderous mob would overpower the authorities and seize and loot the city. The police force was inadequate and the troops were at the front. When the captains of police, almost despairing of making a successful stand, asked the president of the police board what they should do with their prisoners, he

answered, "Do not take any. Kill! Kill! Put down the mob. Do not bring in a prisoner until the mob is put down," and this order was executed. Hundreds of people were shot or clubbed to death in the streets of New York before the mob was crushed and the city saved.

Within a year in this country a company of armed men, charged with the duty of enforcing a police regulation, and meeting with some resistance, shot and killed several men, three women, and one or two children, and yet the newspapers scarcely noticed the occurrence. In one afternoon right here in this country more women and children were shot and killed than have been killed by our Army in the Philippines since the war began, so far as the evidence shows.

A cry of horror goes up because our troops in the Philippines have burned towns, towns sheltering murderous bushwhackers, towns consisting of shacks that could be rebuilt in a few days, and at an expense of three to ten dollars a building. One would think that a building destroyed by fire never before marked the progress of an army. Has the destruction of Chambersburg, Pa., by a Confederate army been so soon forgotten? Against the torrent of abuse directed against the American Army I put the testimony of Governor Taft, who has been all through the islands and spent two years there. He states:

I desire to say that it is my deliberate judgment that there never was a war conducted, whether against inferior races or not, in which there were more compassion and more restraint and more generosity, assuming that there was a war at all, than there has been in the Philippine Islands.

I wish to add to that the statement of Rev. Homer C. Stuntz, the head of the Methodist missions of Manila, a statement which he made in Chicago on May 26. He says:

There have been cruelties on both sides, but cruelties are a mere incident in a war carried on by human beings, not all of whom have obtained entire sanctification. But there has never been more humanity shown than in that very war, and in the hospitals the Filipino wounded are treated just like our own.

It has been said the army first sent to the islands was composed of drunkards. That same drunken army in one and a half years set free 10,000,000 people from ecclesiastical and political slavery which had been endured for four hundred years.

In the name of goodness, I would ask you to have patience with our men in the Philippines. I have all confidence in the world in the Taft Commission. Aguinaldo himself has told me if he had known the American people would do for the Filipinos what they have done nothing could have induced him to fire a gun or lift a finger against them.

[Prolonged applause on the Republican side.]

Mr. JONES of Virginia. I yield fifteen minutes to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Chairman, the Democratic members of Congress at this time have been forced against their will into a peculiar position, and are called upon to vote for some measure which establishes a scheme of government for the Philippine Archipelago. From the beginning they have opposed the conquest of this country and its people. From the beginning they have opposed any attempt to establish sovereignty or governmental control over these islands.

At all times they have recognized those cardinal principles and fundamental doctrines of the Democratic party upon which the American Republic was founded and which were written deep into the Declaration of Independence and the Constitution of the United States:

That all men in all countries and among all nations and peoples are created equal and endowed with the inalienable rights of life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

During the whole history of this Republic and up to the present time this has been the paramount principle and the one great slogan under which the Democratic party has fought. The Republican party from its origin until the close of the war with Spain has had written in its platforms and advocated these same great principles, claiming them as Republican principles; and any man that would have controverted this doctrine in the past would have been considered neither a loyal Democrat nor a loyal Republican. After the Spanish war by some great legerdemain when great economic questions were engrossing the attention of the voters of this country a sudden change in the tenets and policy of the Republican party took place.

They brought to the front a doctrine absolutely at variance with all their former teachings, and first excused and then openly advocated the right and duty of this country to control an inferior race in no way connected with us either by the ties of blood or neighborhood or important commercial relations. This right they maintained directly against the will and wishes of the people over whom they sought to exercise this sovereignty, and who resisted to such an extent that a war of subjugation, lasting from the close of the Spanish war until the present time, was obliged to be maintained at the cost of hundreds of millions of dollars to this country and tens of thousands of the lives of our citizens.

For this great change in the policy of the Republican party they have never given a rational explanation. Nor have they been able to explain to any thinking American how they hoped or ex-

pected to obtain any results from it which would be beneficial to the people of the United States. When future students of history read the pages upon which the declarations and acts and all matters of fact which go to make up the history of this period are written, they will find it absolutely impossible to point out a just cause or give a righteous reason upon which it can be explained.

When the United States Government declared war against Spain, the open and avowed purpose, and, I believe at that time, the real and true purpose, was to free the people of Cuba from the tyranny and oppression of Spanish rule. This was in accordance with every declaration and principle which the people of this country had ever maintained. It proved that they not only sympathized with every down-trodden race, but on this occasion were willing by their acts as well as their words to maintain by arms, if need be, that the freedom, liberty, and independence which they enjoyed were alike the heritage of every nation of the earth.

The reason that Cuba was singled out for active assistance was that it lay very close to our shores, and the tyranny and oppression of this people was constantly brought to our ears, until these tales of woe and suffering so affected the American mind and conscience and aroused the sympathy and heart of our people that they became willing to make great sacrifices to help these suffering neighbors. The heart throb of the American people became so strong and distinct that upon a slight pretext war was declared. And lest the slightness of the pretext should be questioned it was broadly announced that the purpose of the war was not for the obtaining of material results, such as the acquiring of territory, treasure, or commercial advantage, but was in response to the dictates of humanity to free an oppressed people, and to confer upon them the inalienable rights of liberty, independence, and self-government.

No one can doubt but that the present leaders of the Republican party now consider the pledge and promise to create for the people of Cuba a free republic was a mistake; and if in the transaction they could have started at the beginning no such declaration would have been made, but the United States, after destroying the power of Spain in Cuba, would have annexed it against the wishes of the people.

Porto Rico, to whose inhabitants no promise had been made, was promptly annexed without question and explanation, as were the people and the islands of the Philippine Archipelago. No thinking American can doubt but that if at the time war with Spain was declared the Congress of the United States had dreamed that war against Spain would have been carried into the Philippine Islands, a broad, explicit, and open declaration and pledge similar to that made to the people of Cuba would have been made to the people of the Philippines.

Both Cuba and the Philippine Islands in the decade preceding the war with Spain were in the same situation. Spanish oppression and tyranny had brought on a general revolution in both countries. War was waged by the inhabitants against the mother country. Large amounts of treasure and thousands of lives had been sacrificed, and a universal demand for independence and the right of self-government was made by both peoples alike.

While Cuba was still in open revolt the revolution in the Philippines had been temporarily subdued, and the people were awaiting a favorable opportunity to again begin the struggle for liberty. If the positive declaration to Cuba was sincere it carried with it an implied declaration of a similar character to the people of the Philippine Islands. And it is no wonder that both Admiral Dewey and General Otis in their dealings with Aguinaldo and his followers fully believed that the same policy would be followed in our dealings with the people of the Philippines as was promised in dealing with the people of Cuba.

This was an inference any American citizen who believed in the sincerity of the declaration of this country was forced to draw, and it was a duty to act upon the lines it indicated, because to do anything else would have been to brand the declaration of the purpose of the war as a lie of the blackest character. And neither of these officers can be rightfully charged with being false or indiscreet in anything they said or did without instruction in their dealings with the revolutionary forces in the Philippines.

When we take into consideration the actual circumstances and the relative positions occupied by the people of Cuba and the people of the Philippines to the people of this country, no one can deny but that the equities which would have required the establishment of a republic in the Philippines were far greater than those dictating the establishment of a republic in Cuba.

While it was a matter of sympathy and humanity that led us to declare war against Spain and free Cuba, the people of the Philippines had become our friends and allies and materially assisted us in bringing the war with Spain to a successful conclusion. It is a matter of fact beyond controversy that almost immediately after Aguinaldo and his 17 followers brought by the

United States vessel *McCulloch* from Hongkong to Cavite, Luzon, on the 19th day of May, 1898, landed, he assembled and rallied around his banner the native inhabitants of Luzon and the Visayan group and carried on military operations against the Spanish forces in those islands with such success that he had killed or taken prisoner all the Spanish troops located outside the city of Manila.

He had wrested from Spanish control the country outside that city and had confined her army to that place and its immediate environments, so that the subjugation of the Spaniards in the Philippines by our land forces when they arrived, without the loss of a life, was a matter of easiest accomplishment. That this, together with the success of our arms in Cuba and the destruction of the Spanish fleets, brought an end to the war and victory to our arms can not be doubted. It was, I am satisfied, as matters stood before the terms of the treaty of peace had been agreed to and before the American troops came into any clash with the troops of the native people, our plain and bounden duty to have declared to the people of those islands that the United States would accord to them their independence on terms and conditions, if not more favorable, equally as favorable as the terms and conditions which would be granted to the people of Cuba.

Did any change occur up to the time the United States turned its arms against their new-found allies and proceeded to forcibly reduce to subjection these people? For a long time it was contended that the war with the Filipinos was begun by them. But when the true facts gradually came to light it is now known by all that the troops of the United States fired the first shot which brought on this war and that after this first unfortunate occurrence the leaders of the Philippine army notified the United States military authorities that at no time and in no way did they sanction these acts of hostility, and asked that orders should be given by which a stop would be put to them promptly. And it was only after the declaration made by our representative that now that hostilities had begun they would continue until the insurgent forces would lay down their arms and unconditionally submit to the control and sovereignty of the United States did the real war begin.

At this time, if a promise had been made to the Filipino leaders that independence and self-government would be given to their people, peace and order and quiet would have been an immediate result. It must not be forgotten that during that whole period of time from May until after the signing of the treaty of peace in December and up to the 4th of February, when the first shots were fired at Santa Mesa, Aguinaldo and his people had maintained a substantial government throughout the whole country.

Under his control were included not only Luzon, but all that portion of the Philippine Archipelago except those islands inhabited by the Moro people. During all this period of time the civil and military government of Aguinaldo went hand in hand, and as soon as it became known that the treaty of peace had been signed in many parts of the island of Luzon the military authorities promptly withdrew from all exercise of control and made place for and assisted in the establishment of the civil government. At this time even the people of the Philippine Islands never doubted but that independence would be granted them, subject, perhaps, to American protection. Nothing in the history and events which led up to the war with the Filipinos can be properly urged showing that any blame for hostilities can be charged to the people of those islands.

The plea that this was done because the Filipinos were unable to maintain a substantial government there was an afterthought and a pretext founded upon an absolute falsehood. No unprejudiced person can deny that under all these circumstances the very least that the United States could have done was to allow these people to go on with and perfect their government, so that the fact could have been determined whether they were or were not able to govern themselves.

Had this been done, our national honor and integrity would have been maintained and our flag remained the emblem of virtue, liberty, and independence and the symbol of patriotism, humanity, and freedom. Every principle enunciated by the Declaration of Independence and the Constitution of the United States would have been upheld and maintained and every basic principle of the Democratic and Republican parties would have been reiterated by such action.

But this was not to be. For a long time the Republican leaders who exercised almost absolute control over the then President of the United States thought they saw a grand opportunity to add a rich territory to the possessions of this country—a territory which had not been exploited and which, if an opportunity were given them to exploit it, under such government that the United States might set up there, would yield them great fortunes.

The fact that there would be much glory derived from a large territory being added to this country under the Presidency of William McKinley seems to have made an otherwise just and

conservative President, without counting the cost, plunge the country into another war more costly in both lives and money than the war with Spain which had just been successfully closed. I do not think at this late day it can be successfully contended that for some time previous to the actual beginning of hostilities the United States had not been actively preparing to pursue the policy it afterwards followed. It was well known that the Philippine people were unanimous in one desire, and that was to start up a government of their own. It was also known that this government was intended to be republican in form.

The Philippine congress had been sitting for a considerable time at Malolos, and as early as September 29 General Aguinaldo made a speech to that congress the keynote of which was "independence." On December 26 this congress adjourned, and a few days afterwards a new Philippine cabinet was formed, all of its members pledged to independence. The president of the congress and minister of foreign affairs was Señor Mabini; secretary of war, Señor Luna; interior, Señor Araveta; agriculture and commerce, Señor Buencamino; public works, Señor Canon.

On the 21st of January, 1899, the Philippine constitution was proclaimed at Malolos. A careful examination of this document shows that practically it was a counterpart of the Constitution of the United States, and no one who reads it can deny that it is an able state paper, and if followed, as it was intended to be, would have furnished the Philippine people a substantial republican government on American lines.

Right here let me again say that no reason existed at this time for anyone to doubt that the Philippine people were not able to maintain the government they had planned. From the time Aguinaldo began his operations after landing he had maintained throughout the whole of Luzon, as well as throughout all the large islands inhabited by the Christian part of the Philippine people, a military government, and, in addition to that, a substantial civil government, and the people were only waiting for the treaty to be signed and their independence to be recognized when the military government was to be withdrawn and the sole governmental control of the islands was to pass into the hands of the civil government.

In fact, Wilcox and Sergeant, in their report through Admiral Dewey to the United States Government, which information was in the hands of the United States Government long before the war with the Filipinos began, and which information Admiral Dewey certified as being correct, made the following statements:

APARRI.

Aparrí, with a population of 20,000, has many handsome houses. News had been received from Hongkong papers that the Senators of the United States favored the independence of the islands, with an American protectorate. Colonel Tirano considered the information sufficiently reliable to justify him in regarding Philippine independence assured and warfare in the island at an end.

He proceeded to relinquish the military command he held over the provinces and to place this power in the hands of a civil officer elected by the people. On the day following our arrival the ceremony occurred which solemnizes the transfer of authority in the province of Cagayan.

The presidents locales of all the towns in the province were present at the ceremony. The elected officer, called Jefe Provincial, thanked the disciplined military forces and their colonel for the service rendered the province and assured them that the work they had begun would be perpetuated by the people, when every man, woman, and child stood ready to take up arms and defend their newly won liberty and resist with the last drop of blood the attempt of any nation whatever to bring them back to their former state of dependence.

He was followed by the three officers who constituted the provincial government, the heads of the three departments of justice, police, and internal revenue. Every town in this province has the same organization.

It is amazing to see how well these natives can read and write when their limited opportunities for learning are considered. Large numbers of them have at one time or other been attached to some official post, so that when their oppressors were overthrown they were prepared to supplant them in office, and in many instances they conducted the affairs of state with a greater degree of efficiency than was displayed by their Spanish predecessors.

At this time the United States had not yet announced its policy with regard to the Philippines. The treaty of peace was being negotiated. In the meantime the native population, taking matters into their own hands, had declared their independence from all foreign jurisdiction and had set up a provisional government with Aguinaldo at its head.

It can not be denied that in a region occupied by many millions of inhabitants for nearly six months it stood alone between anarchy and order.

The Philippine officers, both military and civil, that we met in all the provinces, with very few exceptions, were men of intelligent appearance and conversation. The same is true of all those men who form the upper class in each town. They have great respect and admiration for learning, and many men of importance told me the first use the public revenues would be put to after the danger from war was over was to start good schools in every village. The poorer class are ignorant on most subjects, but a large percentage of them can read and write. In the provinces of eastern Luzon which we visited there appears to be no friction between the civil and military.

As to the question of independence at that time among the civil and military officers and the leading townspeople, the desire was universal. "On one point they seemed united, viz, that whatever our Government did for them it had gained no right to annex them."

It also must not be forgotten that as early as June 27, 1898, Admiral Dewey, in his dispatch to the Secretary of the Navy, said:

In my opinion these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.

So that, at a time previous to the beginning of the Philippine war, the United States had Admiral Dewey's opinion, Wilcox and Sergeant's report, the knowledge that a Philippine congress had been held and adjourned and a government organized, and the knowledge that a constitution had been adopted on the lines of the Constitution of this country, as well as the knowledge that from the latter part of May, 1898, until February, 1899, a period of eight months, the Philippine people had maintained a potential and substantial government over a large part of the archipelago, and had arranged, as soon as the treaty of peace was signed and independence granted them even under an American protectorate, for a continuance of this government.

Up to that time no evidence had been adduced which showed or tended to show that the Philippine people were not able to maintain a responsible government in the islands. These facts, to my mind, are convincing that the pretext that the reason the United States began, in February, 1899, to put into force a policy looking toward the subjugation of the Philippine people because they were not able to govern themselves was trumped up to suit the policy followed and was but an afterthought.

As soon as it became known that neither independence was to be granted to the Philippine people nor was the United States willing to make any declaration looking to ultimate independence, but that it would deal with Philippine people only upon terms of absolute and unconditional surrender, not only of the country but of the very arms they held, it can not be wondered that the outbreak took place and war followed.

I think no honest American will deny that if the Filipinos had surrendered at that time and acceded to the demands of the United States, they would by such action have proved that they were not worthy of the liberty and independence which they craved. And subsequent events convince me, as much as anything I have learned about these people, that the tenacity with which they maintained this war under most adverse conditions and the sacrifices they made to secure their independence and self-government showed they were worthy of it and were able to maintain their own government if an opportunity had been given them.

The policy pursued by the United States in the Philippine Islands is almost a parallel with that pursued by Great Britain in her war in South Africa. At a present cost of over \$200,000,000 and of 10,000 lives of American citizens, and a future cost which will run to nearly or quite a billion of dollars, when pensions which must and should be paid are considered, this country has obtained a sovereignty over 10,000,000 people of the brown race who are not now fitted to become American citizens, nor with advantage to us can they ever be granted such citizenship.

They have obtained sovereignty over a large archipelago situated so far from their shores that these possessions are bound to be a menace to this country should they ever engage in wars with any great power of the world. They are in control of a country from which the commercial advantages, exaggerated as they have been, will be trifling and will and can be enjoyed on the same terms by any other commercial nation of the world.

They have also obtained a country which some short-sighted and foolish people maintain will be a place of vantage in developing the Chinese Empire. These people have never stopped to think that it will be to the greatest advantage of the people of the United States to leave China sleep and enjoy the lethargy into which she has fallen. But a few days spent in China, with a knowledge of the Chinese people and their country, which I have been able to obtain, I am satisfied that with the awakening of China, with the change of our present policy, the United States will find a competitor in the markets of the world with which it will be impossible to compete and at the same time maintain the economic condition enjoyed by the people of the United States to-day.

The establishment of manufactures in the Philippines, if possible, means competition with the products of the laboring classes of the States, so that the possession of this supposed vantage ground will only lead to our undoing. All that I believe we can obtain from the Philippines that will be of lasting benefit to us will be coaling and naval stations, perhaps a return of some of the money which has been spent there, and commercial treaty stipulations which may to some extent increase our future commerce with that country.

This will best be brought about by the introduction and general adoption of the English language by the natives.

With great interest and greater surprise I listened to the "stop thief" speech with which the chairman of the Insular Affairs Committee opened the debate on this bill. He may take his statement seriously, but the country can not. If appropriately cartooned, the picture he presented would be that of a giant clubbing unmercifully a very small brown boy, and with every blow telling him how he loves him, how tenderly and kindly he would be treated in the future, and how he would be granted liberty and

independence under a despotic rule in which he was given no substantial control.

Is it not rather late in the day for the Republican Administration to ask these people to believe that, under a benign dispensation of Providence, they and their country fell into the hands of the United States so that liberty, independence, and all the beautiful privileges of the people of the United States might be thrust upon them against their will? The theory that after all this horrid bloodshed and all the cruelty practiced by and in the name of the United States that country is to carry on a great foreign missionary enterprise in this archipelago is so grotesque that it neither appeals to one's reason nor imagination.

It is a very cheap argument, although I am aware that it has been adopted as a stock one by the Republican party, "that the Philippine people do not even know what liberty and independence mean."

I have no doubt this was said of the American colonists when they talked liberty, independence, and self-government to England, and I have no doubt it is fair to say that as large a percentage of the people in the Philippines to-day know what these great words mean as understood their full import in America at the time of the Revolutionary struggle.

This country may thank its stars that it did not find arrayed against it the kind of fighting men John Bull found in South Africa. For had it, there would have been a very different tale to tell. And I say to my friend from Wisconsin that I believe, despite the great eulogy he pronounced on that great American statesman, Abraham Lincoln, that were he living to-day he would be opposing the policy which the Republican party have been following in the Philippines and stand shoulder to shoulder in this opposition with President Harrison and Speaker Reed and many another of the former leaders of the Republican party. He must recognize the fact that not only many leaders but the rank and file of the Republican voters to-day are convinced that the war with the Filipinos was a blunder if it was not a crime.

The speech of the chairman of the Insular Affairs Committee is a plea for atonement. His speech had the ring of sincerity about it. As far as he is concerned personally, I believe he would do everything that his party would permit him to do to atone for the great wrongs we have done these people. And I say to him here that from what I know of the Philippine people I believe to-day, as at the beginning of the Philippine war, the greatest benefit that can be conferred upon them is an unequivocal declaration that the United States will grant them absolute independence and self-government and allow them, for they have the capacity, to become an important and leading nation of the Orient.

I see no such promise written in the bill presented by the Republicans of the House. I see no such promise written in the bill which was passed by the Republican party in the Senate. I have heard of no demand being made by the President during the time he has been the Chief Executive of this nation. He has made demands for Cuban reciprocity and demands on many other subjects, but never has he demanded independence for the Philippine people. Write this promise into your law, and the Philippine problem is solved; leave it out, and the struggle goes on for years. And the time will come, after all this foolish waste of time and money and effort and life, that you will write it into your law and thus solve the problem.

To me the details of your bill are but trifles. Every time that you put a Filipino into a governmental place, every time that you permit a Filipino to participate in the government of his country, you necessarily recognize his ability to maintain a government.

More lies have been told about the Filipinos since the American occupation than about any other nation on the face of the earth, the Boers alone excepted. First they were savages, then they were ignorant, then they were treacherous, liars, thieves, and murderers.

To the American Army they were rarely ever known except by the term "damned" niggers, and still when the Taft Commission undertook to erect a civil government there under the protection of a force of 75,000 bold, brave, well-armed American soldiers, they have always been able to find a Filipino educated and capable of filling any place at their disposal, from chief justice of the supreme court to policeman. Although much could have been said, little has been said creditable to these people. It always seems strange to me how it was possible for people to ever get the idea that the 8,000,000 Christians living there were savages. It always seemed incredible to me that any man could be so imposed upon as to believe that these people were unfitted to maintain a government.

When I stop to ask myself the question, what were the real reasons which brought on the frequent and almost constant struggles against Spanish rule—struggles which at times reached a position of general insurrection, which were suppressed only after long and bloody struggles, for in one of these, that of 1896, 20,000 Filipinos were slain—the invariable answer is, that these people

demanding governmental reforms from Spain, not only general governmental reforms, but particular reforms, and were willing to make almost any sacrifice to secure them.

Surely this proves, any statement to the contrary, that these people recognized what the duty of the Spanish Government was to them, and were alive to the fact that these duties were not performed. If we had no other facts to judge but the history of their struggles with Spain for a good government, these alone would convince the unprejudiced of their appreciation of what a good government was and their ability to maintain one.

I am not one of those who condemn the administration of Governor Taft and his associates in the Philippines. No better man could have been selected for this difficult task. He has accomplished much there under the most trying circumstances. The military rule which preceded his administration had established a reign of terrorism. The natives, thoroughly despised by the military authorities, had been dealt with most cruelly. Among the natives chaos reigned in almost every part of the islands under military control, even in Manila.

The only exceptions were those districts where able, level-headed, humane military commanders were in authority. The province of the Cammarines was one of these exceptions. Taft promptly accomplished the task of mitigating the severity of military rule, and it must be said to the praise of his administration that he promptly brought order out of chaos and assured such of the native people as he came in contact with that he would do everything in his power to mitigate their condition and establish law and order and justice in the country. He stood as a firm bulwark against the military, and I am satisfied his policy did more to create the improved condition of affairs now existing there than the strenuous policy pursued by the Army.

Against their advice and prediction that his policy would lead to a continuation and extension of armed opposition to the United States authorities, he took the natives into his confidence and promptly intrusted the more capable and better educated to important and unimportant positions under the civil government. He instituted the policy of maintaining order by the establishment of a native police force against the advice and protest of many of the officers of the American Army.

While I am in no position to indorse all that he and his associates have done there, I am satisfied that the policy he has pursued has been a beneficial one. The government he has instituted is an expensive one, and will be more expensive the longer it is continued on the lines he has laid out; as long as Americans are continued in control of many of the principal offices at American salaries; as long as large sums of money are spent in the construction of roads, railroads, cold-storage plants, and the establishment of schools, and supplying the people with needed educational facilities, such as teachers, books, and the like, and in improving the harbors, it will be necessary to raise by taxation very large amounts of money.

These taxes are bound to become a great burden upon the people. As long as the United States maintains a large number of soldiers there who spend their earnings in the communities where they are located and in other ways this Government brings into the country and spends among the people a large amount of American money these taxes may not be a heavy burden upon the people, but with the withdrawal of the United States armies and the discontinuance of the large expenditures heretofore made by this country the burdens must fall upon the people and the productions of the country more directly. They will have to come from a large increase in the staple productions, such as hemp, rice, sugar, tobacco, and cocoanuts, which are the chief commercial products in sight, or from the savings of the people, if there are any, or from the introduction of foreign capital.

I believe the Commission is altogether too hasty in pressing these improvements. Many of the anticipated expenditures of money should be delayed until it is accurately ascertained what the resources actually are under natural conditions. Governor Taft may be excused in his effort to organize and maintain an ideal government there. This he can do only as long as he has the power of an absolute sovereign, for I think it may be considered an axiom in government that the character of government maintained will never be superior to the people who exercise it and who are controlled by it. Superior governments imposed upon inferior people never have been permanent. This is especially so in governments republican in their form. All such governments which have been stable or even lasted for any length of time have undergone the developing process, and this development has been brought about by the growth of the people they control.

For this reason I feel satisfied that the best and most stable government that can be erected in the Philippine Islands must begin with an organization simple in its form and structure and suitable to the wants, needs, and enlightenment of the masses of the people it is intended to control. I do not believe that it is

the duty nor the right policy of this country to continue any longer than necessary their governmental policy in this archipelago. Considered as a duty, it is a self-imposed one. Considered as a benefit, it will be only temporarily beneficial to the Filipinos; and as far as the people of the United States are concerned, instead of a benefit it will always be a burden from which only the most vivid imagination can picture any compensating advantage.

Let us glance into the future and anticipate the situation as it will develop under natural circumstances, and following the rational and reasonable, not the speculative and irrational. What can we expect will happen by the pursuit of our present policy there?

First, we will go on with improvements made by burdensome taxes levied or by the expenditure of borrowed capital, upon which interest must be immediately paid and ultimately the principal.

Whenever you run a country into debt and tax its resources unduly, business will be paralyzed and discontent manifest itself among the masses of the people.

Many of the improvements will not pay and produce benefits commensurate with the expense entailed. The income will decrease, expenses and debts increase; what then? Why should we undertake this gigantic speculation?

Little by little the power of the government will go into the hands of the people, unless we continue permanently a government on the lines of that of an English crown colony, or a despotism.

The better educated and more able these people become the firmer they will be welded together and united in resisting our control. The Philippines for the Filipinos will be their motto, and their line of action will be in accordance with this idea. Much which we have sought to do under the idea it would be beneficial they will undo. Often our policies will be resisted, perhaps for no other reason than the proposition comes from us.

These people will always remain strangers and foreigners to us. We can not make them white. We can not make them like our citizens. Their blood will not and should not mix with ours, and if it did the product would not produce any improvement. They will never forget the cruelty and bloodshed through which they were brought into subjection. In their minds we will always be murderers and tyrants, and this will be the cry used by their popular leaders whenever our ideas and interests come into collision with theirs.

I am satisfied the more intelligent of the Filipinos have taken into consideration all these probabilities, and this is the real cause of most of them submitting to our authority and present control.

They well know we can not people these islands with our citizens or menace their integrity as a people and a nation. They know that all we can do will bring them closer together, and that the time is not far distant when they will control the situation, and they are patiently awaiting that day. Nothing we can do will drive away their aspirations for independence and self-government.

They may not come into open revolt against our authority in the near future, and then again they may, should a good opportunity present itself. They will be always giving us trouble and causing us alarm. This situation we can naturally expect with the real Filipino.

A much worse condition of affairs must be expected whenever we undertake to stir up and interfere with the Moros. As long as our sovereignty is merely nominal and they are left alone to practice their cherished customs of polygamy and slavery and the despotic control of their chieftains in their exercise of life and death, without trial, over their subjects, especially if we pay them a considerable annual bribe for nominal dominion, they will keep on without paying any particular attention to us. But let us once interfere with their religion and customs and practices and government, then we can expect another war of conquest, and with them it will be a cruel war and one only solved by their extermination. We have in them 2,500,000 American Indians to deal with.

What other alternative have we? Only one—making them American citizens.

So far as the Moros are concerned, no one who has ever seen them at home would ever dream of taking such a step.

What Republican statesman or politician can show how this country would be benefited by adding to our citizens 8,000,000 Tagal people? They do not want our citizenship, for they are not willing to become a tail to our kite. It certainly is a serious proposition to increase our population by the addition of one-tenth our present numbers, and that tenth able to be still further strengthened by rapid increase under favorable conditions. With equal representation they will hold the balance of power in our lawmaking bodies. And all this for what gain?

I appreciate the fact that our policy has been carried on in the Philippines to such an extent that conditions prevail which are not at all natural there, and the immediate withdrawal of our

Government would in all probability create confusion. But I think steps should be taken preparatory to our rapid withdrawal as soon as the circumstances permit.

This time will be greatly shortened by declaring to the Filipinos just what our future policy will be to them. We have reached the time when it is no longer fair or decent to equivocate. If we are going to allow them to establish their own government when they prove themselves able to maintain a stable one, let us say so directly, in plain, unambiguous language. If we are never going to give them their freedom and independence, but rule them as a subject nation, let us make that declaration in plain terms. If we propose in the future to annex their country and give them the rights of American citizens, including the right to participate in our Government according to their numbers, let us frankly make this declaration. We have sufficient information at the present time before us to accurately judge of their possibilities as well as their probabilities.

The policy we are pursuing, refusing to make any direct declaration, is a cowardly one. And we are continuing to grope in the dark, when the doors can be opened and our pathway illumined. By this legislation it is possible to settle the question for the present at least. If this legislation indicates that independence and self-government will be granted these people, it will be settled permanently. There is no virtue in the contention that independence under any conditions, if promised them now, will interfere with the progress of the Commission in their scheme of government. On the contrary, in all matters which seem to bring direct benefits to these people every assistance will be promptly rendered to the present civil government. Every effort will be made by the people to show that they are able to maintain a stable government of their own, and instead of the time for granting independence to them being delayed it will be materially hastened.

According to Governor Taft, it may take generations until these people be brought to the plane he conceives it possible to advance them under the benign influences of our patronizing paternal Government. I have no doubt that every pretext will be used to lengthen this time as long as present profits and the expectation of greater advantages and benefits in the future are held out to those Americans into whose hands the management of the Government will be intrusted. It is but human nature to try to hold on to a good thing, especially when that is a well-paid office.

While I do not believe mercenary ideas govern the desire of Mr. Taft and all his associates to continue control over these islands, I have no doubt there are even members of the Commission who would find it difficult to obtain the same pecuniary advantages they now enjoy were they returned to this country.

I am satisfied there are many Americans in the public service whose employment there is of great pecuniary advantage to them. It is a very fine position to hold which enables its possessor to exercise autocratic power, levy taxes, make laws, execute laws, and fix his own salary and that of his associates, relatives, and friends.

Should this government continue for a generation or more, what guarantees have this country and the Philippine people that it will not be ruled by men having entirely different aims and entirely different ideas of public proprieties and duties than those I believe to be entertained by Governor Taft?

We have seen speculation and dishonesty confront us in the management of public affairs in this country; we have seen the same in our management of the affairs of Cuba during the short time it was being prepared to assume independent control of the new Republic. The Philippines are very much farther off, the temptations very much greater, and it is but natural for us to expect that should we continue control of these possessions scandals on a large scale must be expected.

Have we not sufficient tangled problems to cope with in the growth and industrial development of our own people? Can we afford to turn our attention to the control, development, and education of alien foreign races for the mere satisfaction and pleasure of showing our ability to rule? Patriotic charity begins at home, and a wise course it is to continue the old policy of avoiding all entangling alliances, especially with inferior people.

Who denies that the title of American citizen is a much prouder one than that of British subject? I hope the day is far distant when we shall coin the new title of American subject.

Let us give the Filipino a chance. [Loud applause on the Democratic side.]

Mr. JONES of Virginia. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CURRIER having taken the chair as Speaker pro tempore, Mr. GAINES of West Virginia reported that the Committee of the Whole had had under consideration the bill S. 2295, and had come to no resolution thereon.

And then, on motion of Mr. JONES of Virginia (at 10 o'clock and 27 minutes p. m.), the House adjourned until Monday morning next at 11 o'clock.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12002) to amend section 4386 of the Revised Statutes of the United States, striking out "twenty-eight consecutive hours" and "twenty-eight hours" and inserting "forty consecutive hours" and "forty hours," reported the same without amendment, accompanied by a report (No. 2610); which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12648) establishing a regular term of the United States district court in Roanoke City, reported the same with amendment, accompanied by a report (No. 2614); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10728) for the relief of William A. Williams, alias Alonzo Williams, reported the same adversely, accompanied by a report (No. 2615); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RICHARDSON of Tennessee: A bill (H. R. 15212) for the widening of Benning road, District of Columbia—to the Committee on the District of Columbia.

By Mr. BURK of Pennsylvania: A bill (H. R. 15213) to provide for the erection of a Government building suitable for the permanent installation of the valuable collections donated to the Philadelphia Museums by foreign governments, and of commercial interest to the manufacturers of the United States—to the Committee on Public Buildings and Grounds.

By Mr. THAYER (by request): A bill (H. R. 15214) to make uniform the obligations of all banks, to make certain the parity of all kinds of money, and to secure to the people in all sections of the country an equal opportunity to freely use paper money—to the Committee on Banking and Currency.

By Mr. BROWNLOW: A joint resolution (H. J. Res. 202) providing for a survey of the Isthmus of Darien for canal purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: A resolution (H. Res. 314) for the consideration of the bill S. 2210—to the Committee on Rules.

Also, a resolution (H. Res. 315) for the consideration of the bill H. R. 123—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 15215) for the relief of Michael Devine—to the Committee on Military Affairs.

By Mr. DAVEY of Louisiana: A bill (H. R. 15216) granting a pension to George W. Kendall—to the Committee on Pensions.

Also, a bill (H. R. 15217) for the relief of George Lea Febiger—to the Committee on Claims.

By Mr. LACEY: A bill (H. R. 15218) granting an increase of pension to Norval W. Ward—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 15219) granting a pension to Charles M. Garrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15220) granting an increase of pension to Ruth A. Schermerhorn, guardian—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 15221) for the relief of Mrs. Jane Henry—to the Committee on War Claims.

By Mr. SCHIRM: A bill (H. R. 15222) to correct the military record of George I. Spangler—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 15223) granting an increase

of pension to William Long—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 15224) granting an increase of pension to Nicholas Reinhart—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 15225) for the relief of the estate of Richard B. Owen, deceased—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 15226) granting a pension to John M. Countess, alias John Martin—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15227) granting an increase of pension to Sydney R. Grigg—to the Committee on Pensions.

By Mr. TAWNEY: A resolution (H. Res. 316) to pay Harrison Edelin for services as janitor—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of South Park District Taxpayers' Association, of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERSOCK: Resolutions of American Association of Nurserymen, of Rochester, N. Y., favoring the enactment of House bill 10999—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Petitions of Louis F. Stenlee and 12 other citizens of Danville, Ill.; J. J. Schubert and 6 other citizens of Kankakee; Andrew J. Westbery, of Rankin; Courtney & Layton and B. F. Marple, of Potomac, Ill., favoring the enactment of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. DALZELL: Resolution of the Trades League of Philadelphia in favor of bill for the reorganization of the consular service, etc.—to the Committee on Foreign Affairs.

Also, petition of 7 druggists of Pittsburg, Pa., for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOVENER: Resolutions of Mine Workers' Union No. 1401, of New Cumberland, W. Va., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of D. A. Vanasdale, W. G. Minnick, A. Armor, and 3 other druggists of Allegheny, Pa., urging the passage of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of retail druggists of Thompsonville, Conn., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HITT: Petitions of druggists of Dixon, Freeport, and Rochelle, Ill., favoring House bill 178, for reduction of tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of the Woman's Christian Temperance Union of Hoboken, N. J., favoring an increase in the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL: Petition of George Judd and other citizens of Des Moines, Iowa, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LACEY: Petition of W. Painter, of Lynnville, Iowa, for modification of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LITTLEFIELD: Resolutions of the Board of Trade of Rockland, Me., in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of druggists of Livermore Falls, Me., for the passage of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. PADGETT: Papers to accompany House bill relating to the claim of Jane Henry—to the Committee on War Claims.

By Mr. PALMER: Petition of George Joslin and other citizens of Luzerne County, Pa., urging the passage of Senate bill 1890, the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petitions of druggists of Ithaca and Oxford, N. Y., in favor of House bill 178, for the repeal of the tax on alcohol—to the Committee on Ways and Means.

By Mr. RUSSELL: Petition of J. T. Baker and 8 other druggists of Willimantic, Conn., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Papers to accompany House bill No. 15152, granting a pension to William T. Edgerman—to the Committee on Invalid Pensions.

SENATE.

MONDAY, June 23, 1902.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington. The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 10, 11, 22, 35, 41, 44, 48, 49, 59, 60, 63, 65, 66, 67, 69, and 78.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 14, 15, 16, 17, 18, 19, 20, 28, 31, 32, 33, 34, 36, 42, 45, 51, 53, 54, 55, 62, 68, 70, 71, 72, 73, 74, 75, 79, 80, 81, 83, 84, 85, 86, 87, and 90; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Including the purchase of necessary land, \$640,000: *Provided*, That the accounting officers of the Treasury Department are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers of the Government, all expenditures heretofore made for land purchased for use as naval coal depots;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following: "One clerk in charge of distribution of books at \$1,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "\$31,402.52;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To complete building numbered 19, \$90,000; extension to dispensary building, \$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Condemnation of land adjacent to the Norfolk Navy-Yard: The Secretary of the Navy be, and he is hereby, authorized, in his discretion, to cause to be commenced, within three months after the passage of this act, proceedings for the condemnation of the following tract of land, or so much thereof as he may deem necessary, for the use of the United States for the Norfolk Navy-Yard, and for other naval purposes, namely, the tract of land known as the Schmolles property, containing some 272.4 acres, more or less, in Norfolk County, Va., and adjacent to the Norfolk Navy-Yard, under the act of Congress approved August 1, 1888, entitled 'An act to authorize the condemnation of lands for sites of public buildings, and for other purposes,' and other laws of the United States, so as to completely vest in the United States the title of said land; and all such proceedings shall be reported to Congress at its next session by the Secretary of the Navy."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "to complete purchase of land heretofore condemned and partially appropriated for, \$25,950;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Publication of the American Ephemeris and Nautical Almanac: Hereafter there shall be published of the American Ephemeris and Nautical Almanac 2,500 copies, 500 of which shall be for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,000 for distribution or sale by the Navy Department."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows:

On page 64 strike out lines 5, 6, and 7 and insert in lieu thereof the following: "In all pay Marine Corps, \$1,831.129.23;" and the Senate agree to the same.

On amendments numbered 1, 7, 9, 13, 24, 25, 26, 37, 38, 39, 40, 43, 46, 47, 52, 56, 57, 58, 61, 64, 76, 77, 88, 89, 91, 92, and 93 the committee of conference have been unable to agree.

EUGENE HALE,

GEORGE C. PERKINS,

B. R. TILLMAN,

Managers on the part of the Senate.

GEORGE EDMUND FOSS,

ALSTON G. DAYTON,

ADOLPH MEYER,

Managers on the part of the House.

The report was agreed to.

Mr. HALE. I move that the Senate still further insist upon the amendments not agreed to and ask for a further conference with the House on the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. HALE, Mr. PERKINS, and Mr. TILLMAN were appointed.

AGREEMENT WITH CHIPPEWA INDIANS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4284) entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'"